

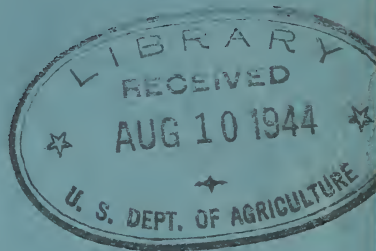
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# **SURVEY OF STATE LAWS AND JUDICIAL DECISIONS ON BEDDING AND UPHOLSTERY**

*Conducted by*  
**Division of Consumers' Counsel**  
*with the assistance of*  
**Work Projects Administration**



**Issued June 1940**

**UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
DIVISION OF CONSUMERS' COUNSEL**





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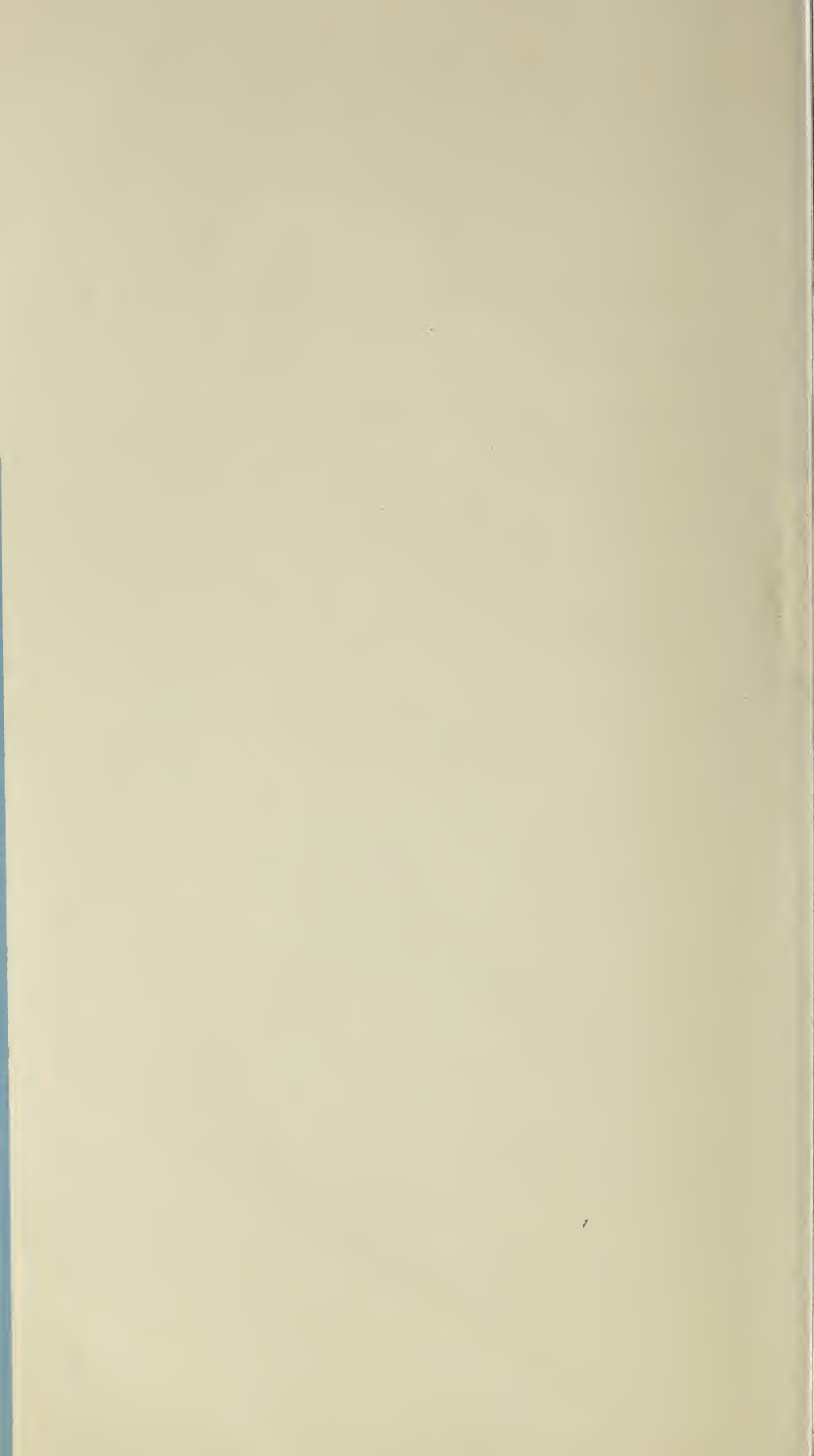
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SAMUEL MERMIN and JOHN M. MAYER  
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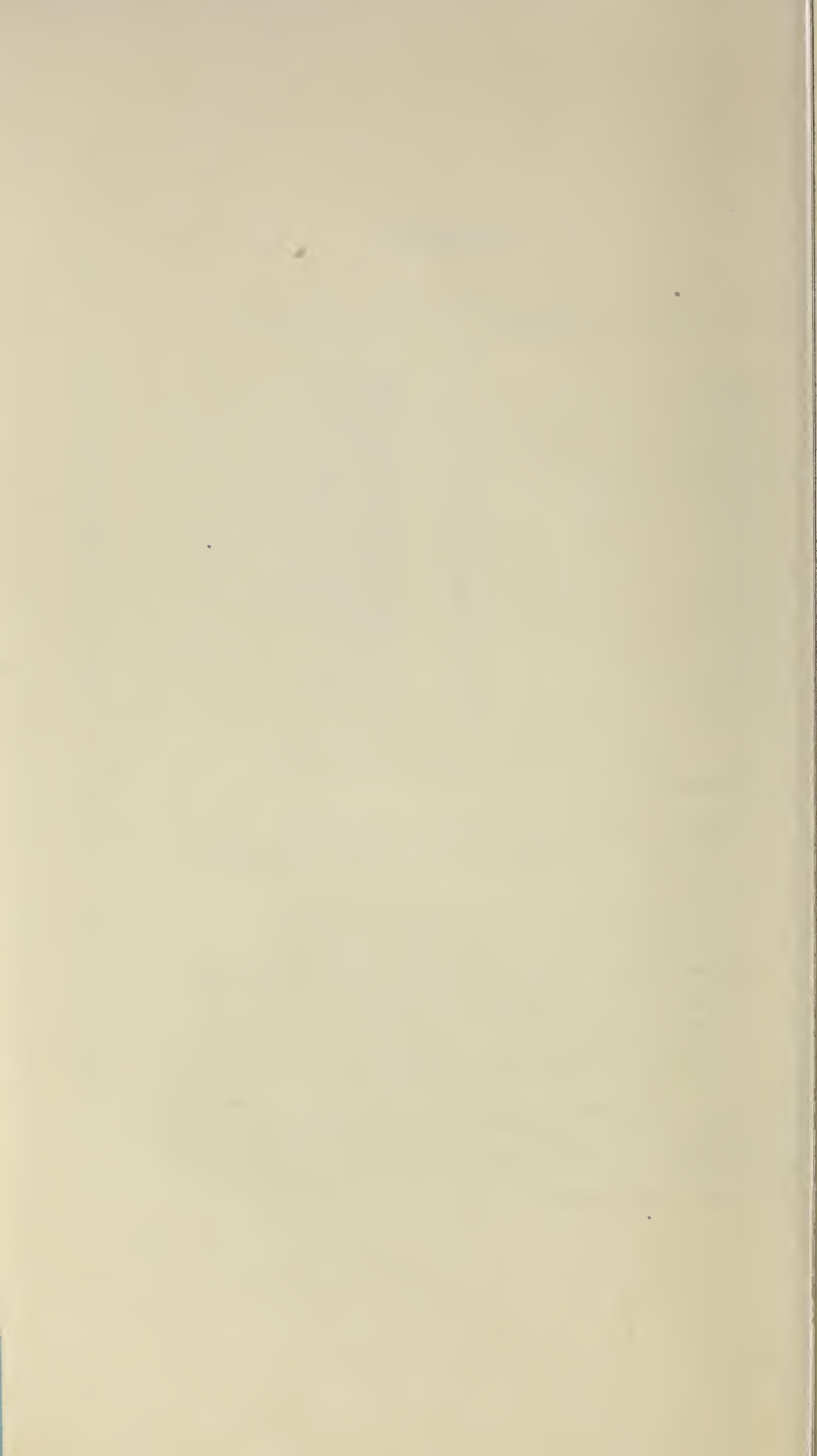
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## INTRODUCTION

This survey consists of three principal parts: (1) A presentation of the provisions of State laws regulating the manufacture and sale of bedding and upholstery, (2) a summary of Federal and State court cases in this field, (3) a chart together with a summary thereof comparing State sanitation and labeling requirements for new bedding and upholstery.

The State laws covered are not presented in the same order and form as they appear in the State statute books. To simplify the presentation of these provisions and to facilitate their comparison, they have been grouped under seven major topics. The exact words of the laws have been followed as closely as practicable; condensation of language has been attempted throughout, but not where it might be regarded as altering the original meaning. Provisions making it unlawful to "sell" certain types of bedding are usually conjoined with prohibitions against an "offer to sell," "consignment for sale," "possession with intent to sell," "lease," etc. These supplementary phrases have been omitted for reasons of space and readability. However, any prohibition against "manufacture," "distribution," "gift," "delivery," or "direct or indirect" engaging in prohibited practices is included in the survey.

The State laws define the meaning of certain terms used therein. Some of these terms apply to the type or condition of materials, such as "new," "second-hand," "waste," and "shoddy"; some refer to the person or office in charge of enforcement, such as "commissioner," and "department"; some deal with such terms as "sterilizer," "supply car," and "resident dealer."

In addition to the above group of terms, definitions are given of the finished articles covered by the law, as "mattress," "comforter," "cushion," "pillow," "upholstered furniture," and other items.

For the purpose of this survey the terms of the former group with their meanings are placed under the first of the seven topics, entitled Definitions; but the terms of the latter group are only *listed* under this topic with a reference to the second topic, Coverage. The kinds of articles to which the law in terms applies are then given with their complete meanings under this second topic. Thus, if mattresses include bed pads and upholstered furniture, then this item would appear under Coverage as follows: Mattresses, i. e., bed pads and upholstered furniture. This arrangement was adopted in order to have the kinds of articles to which the law applies together with their definitions in one place.



The third topic is restrictions on Use or Sale of Certain Materials (Second-hand; Contaminated, etc.) and Use or Sale of Finished Articles Containing Such Materials. The restrictions covered by this topic are classified into two kinds, treated under two subtopics: (1) Absolute prohibitions on the use or sale of the materials or articles, and (2) permissible use or sale, if the materials or articles are sterilized. It should be noted, in passing, that a provision appearing under the first of the preceding two subtopics might be so interpreted officially as to mean a prohibition of only those second-hand materials which are dangerous to health. This was done in the case of *Weisenberger v. State of Indiana* summarized herein on page 137. Also it is worth noting that a State with no provisions which can be classed under the second subtopic is not necessarily prevented from permitting the use of second-hand material when sterilized, particularly in the absence of a prohibition against use of second-hand material.

The fourth topic, which is closely related to the third, is Restrictions on Use or Sale of Finished Articles Previously Used. This is applicable to second-hand finished articles, as distinguished from newly made articles containing some second-hand material.

Under the fifth topic, Tags, Labels, Seals, are listed under appropriate subtopics, the general labeling requirements, the specific labeling requirements (as to form, size, color, and manner of attaching the label) and particular prohibitions (one against using misleading labels or tampering with labels, and another against using certain words on a label unless such words have the meaning specified in the law).

Exemptions is the sixth topic, divided into two subtopics. One covers exemptions to materials and finished articles. For example, in some cases, mattresses filled with sterilized feathers are excluded from operation of the law; or "garnetted clippings" may be exempted from the second-hand materials to which the act is applicable. The other general type of exemption is that to certain persons, e. g., to those making a mattress for their own use; or dealers who can show a certain guaranty from the person who sold the article to them.

The seventh topic, Administration and Enforcement, includes the following subtopics: (1) Inspection; investigation; (2) licenses; fees; revocation of license; (3) seizure; destruction; (4) other administrative powers; (5) enforcement procedure; and (6) fine and imprisonment.

All of the substantive provisions of the laws, including provisions which may appear in separate and distinct parts or volumes of the State laws, are here assembled and analyzed. Sections containing such standard provisions as the separability clause, repeal of prior inconsistent provisions, etc., are omitted. The citation given under the name of the State, on the first page of the provisions for that State, is to the complete law.

Not considered in this survey are statutory provisions exempting household furniture from legal process in bankruptcy proceedings, attachments, etc.; or provisions referring merely to a license tax on manufacturers of bedding and upholstery, with no additional regulation; or provisions of general health laws for destruction or disinfection of clothing, bedding, and other articles which have been contaminated by disease, or for sanitary bedding in hotels and rooming houses; or general laws, not limited to bedding, placing restrictions on the sale of second-hand merchandise.

In 37 States, including the District of Columbia, laws have been found which regulate the manufacture and sale of bedding and/or upholstery. The States having no such laws are Arizona, Florida, Idaho, Mississippi, New Mexico, North Dakota, Oklahoma, South Carolina, South Dakota, Virginia, West Virginia, and Wyoming. This is not to say that all 37 of the laws covered are actually enforced. In fact an article in 1937 purporting to cover the bedding and upholstery "laws of those States and cities where they are more or less actively enforced"<sup>1</sup> was limited to the laws of only 18 States (including the District of Columbia) and the ordinances of only two cities, Dallas and Detroit.<sup>2</sup>

The judicial decisions summarized in this survey are classified into Federal court cases and State court cases. They are the leading decisions of American courts on the subject of bedding and upholstery. Preceding the section which summarizes the cases is a brief introductory note, explaining in general terms the import of the cases.

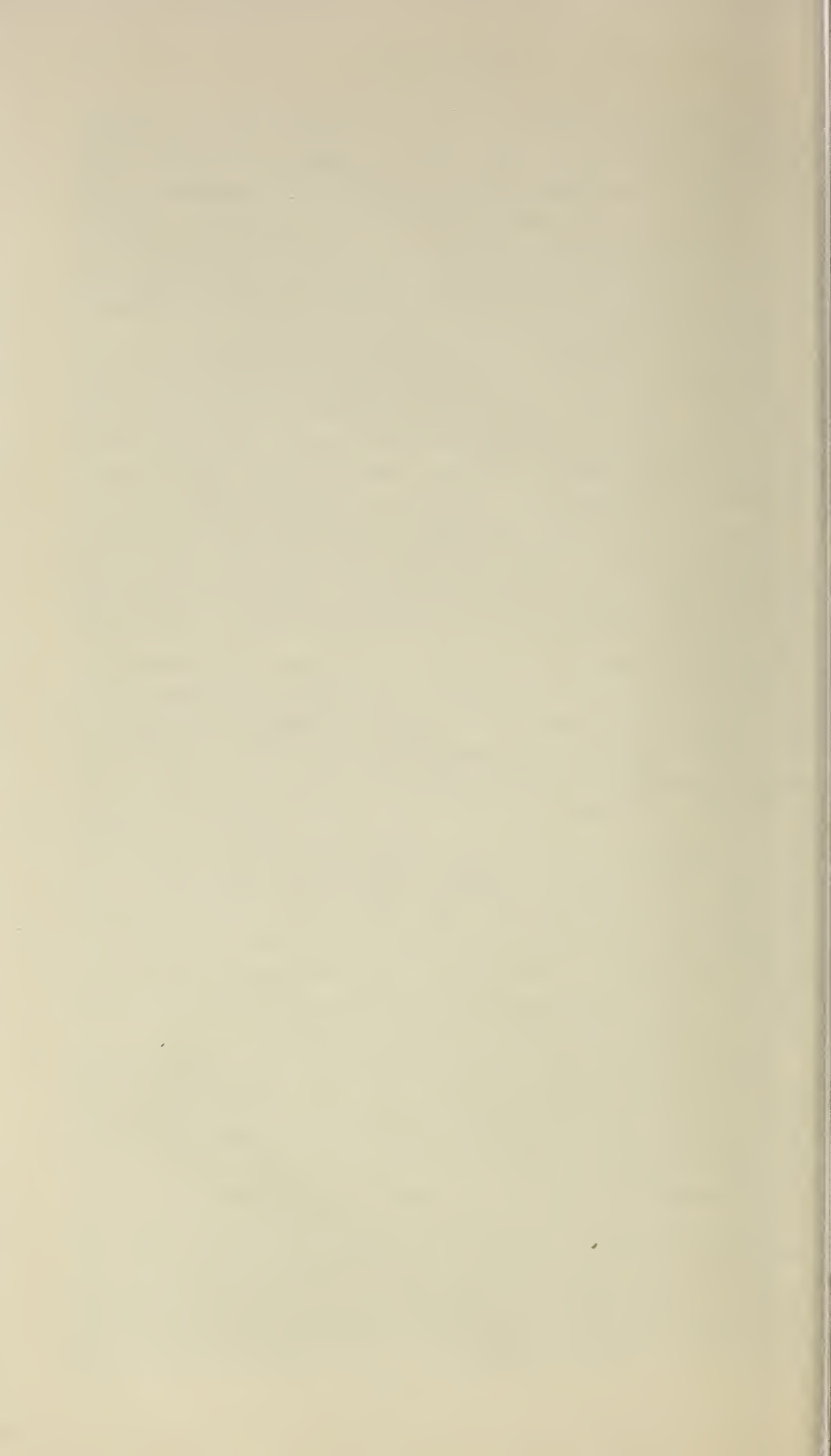
The chart following page 142, selects certain aspects of the State laws and analyzes them in such a way that the similarities and differences between the laws on these selected points are readily seen. The title of the chart is Sanitation and Labeling Requirements for New Bedding and Upholstery. The word "new" is used in the title to signify that the charts do not cover second-hand finished articles as distinguished from newly made articles containing some second-hand material. Following immediately after the chart is a summary of the similarities and differences presented therein.

Reference tables of the State laws analyzed in Part I are arranged so as to facilitate comparison of these laws. The references are to the topics followed in the text to analyze the laws. Every State having provisions relating to a particular topic is listed under that topic in the reference tables.

*This survey covers laws and decisions up to January 1940.*

<sup>1</sup> "National Bedding Standards—To Protect Against Disease and Fraud," by J. Davis Donovan, *Industrial Standardization and Commercial Standards Monthly*, Vol. 8 (November 1937), p. 297.

<sup>2</sup> While no attempt is made in the present survey to present any municipal ordinances, it is worth noting that there may sometimes be differences between the bedding law of a State and the bedding ordinance of a city within that State. Thus the Detroit ordinance requires that the label on mattresses shall be white in color, at least 3 by 4 inches in size, shall bear the name and address of the manufacturer or vendor, and that information as to new and second-hand material be in type of specified size and color; whereas the Michigan State law has none of these requirements.





# I. State Laws on Bedding and Upholstery

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## ALABAMA

Alabama Code of 1928, Annotated; Chap. 182, Secs. 4946-4957

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### I. DEFINITIONS

"Mattress" and "comfort," See II.

### II. COVERAGE

Mattresses and comforts, i. e., quilted beds or pads, tufted or not tufted, stitched or otherwise finished beds or pads, stuffed with excelsior, cotton, jute, hair, husks, sea moss, bamboo wool, fibre, floss, kapok, felted cotton, felt, shoddy, African fibre, Louisiana tree moss, or other material used for this purpose, sterilized feathers excepted. **Sec. 4954.**

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

Unlawful to use in whole or in part, in manufacture of mattresses or comforts, any cotton or other materials which have been used for any purpose whatever. **Sec. 4953.**

#### B. PERMITTED IF STERILIZED

No provision.

### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

No provision.

### V. TAGS, LABELS, SEALS

#### A. GENERAL LABELING REQUIREMENTS

Mattresses and comforts shall bear label containing statement of materials used in manufacture, giving total weight and percentage of all material used in all cotton, felt, wool, kapok, silk floss, floss, and hair mattresses. Label on other mattresses shall state percentage of each material used. **Sec. 4948.**

When manufacturer renovates mattress or comfort, original label shall be detached if still on mattress, and shall be reattached before delivery. He shall also attach additional label showing word "Renovated," and marked "Second-hand filler," together with name and address of renovator, name of customer for whom renovated, and date of renovation. **Sec. 4951.**

Those dealing in mattresses and comforts shall not sell such articles without required label. **Sec. 4952.**

#### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Labels shall be in plain English lettering, and shall consist of cloth-lined tag, sewed or otherwise securely attached to each article and placed securely on the bale, box, or crate in which packed, shipped, or exposed for sale. **Secs. 4948, 4949.**

Label shall be placed on outside and upon most conspicuous part of the finished article and its box, crate, or covering. **Sec. 4950.**

The additional label required to be attached to renovated mattresses (see V A) shall be made and attached as above provided. **Sec. 4951.**

#### C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

When labeled "Felt" or "Felted cotton," it shall be understood that the cotton or material has all been carded in layers or sheets by a Garnett or cotton-felting machine. **Sec. 4955.**

#### D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful to manufacture, sell, or give away, mattresses or comforts not branded or labeled in accordance with this Act; and unlawful to brand or label mattresses or comforts falsely, or knowingly fail to state the true and actual quality and quantity of materials used. **Secs. 4946, 4956.**

### VI. EXEMPTIONS

#### A. TO MATERIALS OR FINISHED ARTICLES

Mattresses or comforts filled with sterilized feathers are specifically excluded from definition of mattresses and comforts. **Sec. 4954.**

#### B. TO PERSONS

No provision.

### VII. ADMINISTRATION AND ENFORCEMENT

#### A. INSPECTION; INVESTIGATION

No provision.

#### B. LICENSES; FEES; REVOCATION OF LICENSE

No provision.

#### C. SEIZURE; DESTRUCTION

No provision.

#### D. OTHER ADMINISTRATIVE POWERS

No provision.

## E. ENFORCEMENT PROCEDURE

Peace officer or health officer who has reason to believe the Act is being violated shall advise circuit solicitor of the county, who shall proceed to enforce the Act. **Sec. 4957.**

## F. FINE AND IMPRISONMENT

Not less than \$25 nor over \$500 fine, and/or not over 6 months imprisonment. **Sec. 4956.**

## ARKANSAS

Digest of Statutes of Arkansas (Pope's), 1937; Chap. 80, Secs. 6455-6468

### I. DEFINITIONS

"New" refers to any material which has not been used in manufacture of another article or used for any other purpose. **Sec. 6455.**

"Previously used" refers to any material which has been used in manufacturing of another article or used for any other purpose. **Sec. 6455.**

"Bedding," see II.

### II. COVERAGE

Bedding, i. e., any mattresses, upholstered springs, comforters, pads, cushions, or pillows designed and made for use in sleeping. **Sec. 6455.**

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

Unlawful to use in making or remaking bedding, material which has been used by or about a person having infectious or contagious disease, or which has formed part of any article of bedding that has been so used. (See also III B.) **Sec. 6456.**

#### B. PERMITTED IF STERILIZED

Unlawful to use in manufacture or renovation of mattresses, materials that were used in or about a public or private hospital or sanatorium for treatment of infectious or contagious disease, or materials obtained from mattresses from hotels, rooming and boarding houses, and other public buildings where mattresses have been used for their original purpose: *Provided, however,* This shall not prevent use of materials when they have been sterilized and tagged as herein provided. **Sec. 6464.**

Unlawful to remake or renovate article of bedding, unless all material used in remaking or renovating be thoroughly sterilized and disinfected by process approved by State Health Commissioner. **Sec. 6458.**

### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

#### A. PROHIBITED

Unlawful to sell or deliver article of bedding which has been used by or about a person having infectious or contagious disease. **Sec. 6457.**

## B. PERMITTED IF STERILIZED

No provision.

## V. TAGS, LABELS, SEALS

## A. GENERAL LABELING REQUIREMENTS

Unlawful to sell or deliver any article of bedding without label which shows the name of material used as filling. If all material has not been previously used, the words "Manufactured of new material" shall appear on label, with name and address of maker. If any material used in making or remaking has been previously used, the words "manufactured of previously used material" or "Remade of previously used material" as case may be, shall appear on label, with name and address of maker and also a description of material used in filling. **Sec. 6459.**

Article not remade but which has been used, shall be labeled "Second-hand." **Sec. 6459.**

Any person who receives bedding to be renovated shall attach to each such article at time of receipt, a tag upon which has been legibly written, the name and address of the owner of bedding and date received for renovation. **Sec. 6458.**

## B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Label shall be of muslin or linen, securely sewed on outside of article, and not less than 2 by 3 inches in size. Statement shall be in the following form:

Manufactured of new material.....  
 Materials used in filling.....  
 .....  
 Made by.....  
 Address.....

Name of filling material shall be legibly written or printed in English language; the words "Manufactured of new material" or "Remade of previously used material" or "Second-hand," "Materials used in filling not known" and description of filling material, shall be in letters not less than  $\frac{1}{8}$ -inch high. **Sec. 6459.**

Sewing of one edge of label to an outside seam of article shall be deemed compliance with "securely sewed" requirement. **Sec. 6459.**

Label shall be securely sewed to ticking or cover of every article of bedding to be manufactured, before filling material is placed in ticking or cover. **Sec. 6459.**

## C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

The term "Felt" on label shall be construed to mean that materials from which the felt was made have been carded layer upon layer by a Garnett or felting machine. **Sec. 6461.**

## D. PROHIBITIONS AGAINST MISLEADING LABELS AND AGAINST TAMPERING

No term or description likely to mislead shall be used on label, in description of materials used in filling of any article covered by the Act. **Sec. 6459.**



Unlawful for other than purchaser for own use to remove, deface, or alter label. **Sec. 6460.**

Unlawful for owner, employees, or servants of hostelry or hotel, rooming or boarding house operated for profit, to remove label attached to mattress purchased for use in their place of business after 1927. **Sec. 6463.**

## VI. EXEMPTIONS

### A. TO MATERIALS OR FINISHED ARTICLES

See VI B.

### B. TO PERSONS

The Act is not to be construed to prevent manufacture or renovation, or having manufactured or renovated, mattresses for own home or domestic use. **Sec. 6465.**

## VII. ADMINISTRATION AND ENFORCEMENT

### A. INSPECTION; INVESTIGATION

No provision.

### B. LICENSES; FEES; REVOCATION OF LICENSES

No provision.

### C. SEIZURE; DESTRUCTION

No provision.

### D. OTHER ADMINISTRATIVE POWERS

It is the duty of State Board of Health to promulgate rules and regulations prescribing method of sterilization that may be used by manufacturer or renovator. (A compliance with the Board's rules and regulations is to be deemed a compliance with the law.) **Sec. 6466.**

### E. ENFORCEMENT PROCEDURE

No provision.

### F. FINE; IMPRISONMENT

Not less than \$25 nor over \$250 fine and/or not less than 30 days nor over 90 days imprisonment. **Sec. 6468.**

The unit for a separate and distinct offense shall be each article made, remade, sold or delivered contrary to this Act. **Secs. 6462, 6467.**

# CALIFORNIA

Assembly Bill No. 1212, Chap. 918, approved July 22, 1939; Secs. 1-404 <sup>3</sup>

## I. DEFINITIONS

"Sell," or any of its variants, includes any of, or any combination of, the following: Sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, possess with an intent to sell or dispose of in any other commercial manner. **Sec. 19.**

"Writing" includes any form of recorded message capable of comprehension by ordinary visual means. **Sec. 8.**

"Bureau" refers to the Bureau of Furniture and Bedding Inspection. **Sec. 20 (a).**

"Department" refers to the Department of Professional and Vocational Standards. **Sec. 20 (e).**

"Upholstered furniture," see II.

"Bedding," see II.

"Second-hand" means any material or article of which prior use has been made, and includes shoddy made of either new or used defabricated material, and sweepings not otherwise classed as new in this Act. Any article of upholstered furniture or bedding is second-hand if it contains any second-hand material in whole or in part. Any article of upholstered furniture or bedding on sales floors in a private residence or room, which is not separated from living quarters, is second-hand furniture or bedding. **Sec. 24.**

"Manufacturer" means a person who either by himself or through employees or agents, makes any article of manufactured furniture or bedding in whole or in part, or who does the upholstery or covering of any structural unit thereof, using either new or second-hand material. **Sec. 25.**

"Wholesaler" is a person who sells any article or thing to another for the purpose of resale. **Sec. 26.**

"Retailer" is a person who sells any article or thing to a consumer or user of the article as purchased. **Sec. 26.**

"Repairer" and "renovator" shall mean a person who repairs, makes over, recovers, restores, renovates or renews upholstered furniture or bedding. **Sec. 27.**

"Sterilizer" means a person licensed by the Bureau to sterilize any upholstered furniture or bedding. **Sec. 28.**

"Supply depot" means any warehouse or storeroom used as a merchandising center, or supply outlet, to supply cars or for the purpose of supplying merchandise subject to this Act in the locality, or in other localities, either directly or indirectly, at wholesale or retail,

<sup>3</sup> In sec. 401 it is stated that the following provisions "together with all acts amendatory thereof and supplementary thereto" are repealed: General Laws, 1909, chap. 262, p. 400; General Laws 1915, chap. 642, p. 1267; General Laws, 1927, chap. 405, p. 665; Penal Code, sec. 402f.

In sec. 35 it is stated that "the provisions of this Act insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations thereof, and not as new enactments." It is also stated in sec. 5 that "unless the context otherwise requires, the general provisions hereinafter set forth shall govern the construction of this Act."

and which merchandise is sold in any manner or held for sale to any person regardless of whether they are in business or the employee of any person. **Sec. 29.**

"Wholesale branch house" is a branch situated in another locality and conducting a wholesale business independent of the parent house in so far as showroom and service to the trade is concerned, excepting, however sales or showrooms in established furniture marts or exchanges. **Sec. 30 (a).**

"Retail branch store" is any subordinate establishment, place, or private residence, maintaining a sales service, other than one situated immediately next door to the main store, office or headquarters. **Sec. 30 (b).**

"Branch factory" is one separated from the parent factory, manufacturing in whole or in part any article of upholstered furniture or bedding. **Sec. 30 (c).**

"Branch renovating shop" is one separated from the parent shop, renovating any article of bedding. **Sec. 30 (d).**

"Branch repair shop" is one separated from the parent shop, repairing any article of upholstered furniture. **Sec. 30 (e).**

"Supply car" means any store service car, vehicle or like conveyance used in the transportation, display, distribution and sale of merchandise subject to this Act, to any person, directly or indirectly at wholesale or retail, regardless of whether the purchaser is in business or whether he is the employee of any person. **Sec. 30 (f).**

"Residence dealer" means any person who sells any new or used article of upholstered furniture or bedding from his own, or any other person's place of abode, or from any salesroom not having a recognized and ordinary store entrance. **Sec. 31.**

"Slip cover" means any casing or cover meeting any one or all of the following requirements:

(a) Which is for use, or is, or is to be placed, on or over any article of upholstered furniture or bedding.

(b) Which covers or conceals the upholstered furniture or bedding in whole or in part.

(c) Which is closed or held in place by snaps or hooks and eyes, or lacing so that it may be removed without the use of tools or instruments.

(d) Which is not permanently attached by tacking, sewing, or in any other manner. **Sec. 32.**

"Owner's material" means any article or material belonging to a person for his own, or tenant's use, that is sent to any manufacturer, repairer or renovator to be repaired or renovated, or used in repairing or renovating. **Sec. 33.**

"Sweepings" does not include new material which is free from refuse, dirt or other contamination. **Sec. 34.**

## II. COVERAGE

1. Upholstered furniture, including children's and other furniture, movable or stationary which (a) is made or sold with cushions or pillows, loose or attached, or (b) is itself stuffed or filled in whole or in part with any material, hidden or concealed by fabric or any other covering, including cushions or pillows belonging to or forming a part thereof, together with the structural units, the filling material and its covering and its container, that can be used as a support for the body



of a human being, or his limbs and feet when sitting or resting in an upright or reclining position. **Sec. 22.**

2. Bedding, including:

*a.* Any quilted pad, packing pad, mattress pad, hammock pad, mattress, comforter, bunk quilt, sleeping bag, box spring, studio couch, pillow, cushion, or any bag or container made of leather, cloth or any other material, or any other device that is stuffed or filled in whole or in part with concealed material in addition to the structural units and filling material used therein and its container, all of which can be used by any human being for sleeping or reclining purposes.

*b.* Pillows, i. e., any bag or case of cloth filled or stuffed with feathers, down, kapok, cotton, hair, wool, or other sanitary filling not prohibited by this Act to be used as a rest or support for the head in reclining or sleeping. **Sec. 23.**

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

The Bureau has the right to prohibit the use of excessively damaged or otherwise unfit filling material. **Sec. 323 (a).**

Filling material is not to be used in the manufacture of upholstered furniture or bedding if it is not free from foreign matter, dirt, or trash. **Sec. 323 (b).**

Mattresses or any articles of upholstered furniture or bedding received for renovation must contain the same filling material, if same is used, when returned as it did when received, together with any material added, which must be new material unless otherwise agreed on. **Sec. 102.**

Filling material belonging to upholstered furniture or bedding received for repairs, if used, must be put back in the same furniture or bedding from which it came, or in a group received from the same customer. Such filling material cannot be used in another customer's work. **Sec. 102.**

Unlawful to sell, directly or indirectly, or otherwise, any upholstered furniture or bedding made, repaired, renovated, or sterilized in violation of this Act. **Sec. 321.**

Persons importing or selling at wholesale or retail, directly or indirectly, any unlabeled foreign made upholstered furniture or bedding shall fully comply with all requirements of this Act before sale of such articles. **Sec. 61.**

#### B. PERMITTED IF STERILIZED

No provision.

### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

#### A. PROHIBITED

No provision.

#### B. PERMITTED IF STERILIZED

Filthy or soiled articles of new or used upholstered furniture or bedding cannot be sold, unless the fabric covering them is either

properly cleaned or replaced by a new covering and then subjected to sterilization if so provided for in this Act. **Sec. 200.**

Every article of upholstered furniture or bedding from any private or public hospital, jail or other institution, or which has been used by any person suffering from an infectious or contagious disease, shall be sterilized before it is repaired or renovated. **Sec. 202.**

Those receiving for sterilization any upholstered furniture or bedding for resale must sterilize all such articles as herein provided. **Sec. 203.**

The following articles of second-hand upholstered furniture or bedding must be sterilized before being offered or exposed for sale in any manner, or leased, rented, consigned, or given away: Couches, chesterfields, davenports, bed davenports, gliders, duofolds, lounges, morris chair cushions, studio couches, upholstered baby carriages, sleeping bags, bed box springs, settees (over 42 inches in length between the arms), bunk quilts, comforters, cushions (other than chair pads), feather beds, packing pads, mattresses, mattress pads, pillows, quilted pads, hammocks. **Sec. 207.**

In addition to the above second-hand articles, any other article of upholstered furniture or article of bedding that could be used for sleeping or reclining purposes, or any contaminated article of upholstered furniture or bedding shall be sterilized under the provisions of this section. **Sec. 207.**

Persons importing or selling at wholesale or retail, directly or indirectly, any unlabeled foreign-made upholstered furniture or bedding shall fully comply with all requirements of this Act before sale of such articles. **Sec. 61.**

Unlawful, directly or indirectly, or otherwise, to sell any upholstered furniture or bedding made, repaired, renovated, or sterilized in violation of this Act. **Sec. 321.**

## V. TAGS, LABELS, SEALS

### A. GENERAL LABELING REQUIREMENTS

Persons importing or selling at wholesale or retail, directly or indirectly, any unlabeled foreign-made upholstered furniture or bedding shall fully comply with requirements of this Act, including the labeling provisions, before sale of such articles. **Sec. 61.**

Unlawful, at wholesale or retail, or otherwise, directly or indirectly, to make or sell any article of new or second-hand upholstered furniture or bedding for use in any household, or place of abode, or which can be used by human beings, if it is made of new or second-hand material which is hidden or concealed by fabric, or any other covering unless such article is plainly and indelibly stamped, or labeled as provided in this Act and approved by the Bureau. **Sec. 90.**

The label shall show or state:

(a) Whether the concealed materials are new or second-hand. If the materials are wholly new, the heading shall read "All new material." If the materials are in whole or in part second-hand, the heading shall read "Second-hand material."

(b) The filling contents, grades, and percentages by avoirdupois weight of materials so used.

(c) A statement that "This label is attached as required by law as a certification that this article is as represented."

(d) The serial number of the manufacturer, assigned by the Bureau.

(e) The name of the vendor, or manufacturer, which shall be printed, stamped or written in ink on the label by either the manufacturer or the vendor.

(f) If desired, the label may describe the frame, cover, and style of the article. **Sec. 92.**

In addition to the above:

(a) The quantity of each material used, expressed in terms of avoirdupois weight, or percentages arrived at on a basis of avoirdupois weight.

(b) The finished size expressed in linear measure, clearly indicating its length and breadth.

(c) The gross weight of mattresses, not including springs or metal construction. **Sec. 93.**

Comforter labels shall show the cut size and net weight of the filling material. **Sec. 94.**

Pillow labels shall state the finished size and not the cut size and the percentage of filling material arrived at on a basis of avoirdupois weight. Labels need not show weight of filling materials or gross weight. **Sec. 96.**

Decorative, boudoir and fancy cushions only need not show the size and weight. **Sec. 97.**

Slip seat chairs and benches, or upholstered stools and similar articles of upholstered furniture having a wood bottom may be legibly and indelibly stamped at the factory, in lieu of a label, with a stamp not smaller than  $1\frac{1}{2}$  by 3 inches, approved by the Bureau. The stamp shall show or state:

(a) Whether new or second-hand. If the former, the heading shall read "All new material." If the latter, the heading shall read "Second-hand material."

(b) The percentages by weight of the kind, or kinds, of material used.

(c) The serial number of the manufacturer, assigned by the Bureau. **Sec. 98.**

Those repairing or renovating upholstered furniture or bedding, either at wholesale or retail or otherwise, for owner or customer, for their own or a tenant's use, shall attach, when completed, the "Owner's material" label, approved by Bureau. **Sec. 99.**

The "Owner's material" label shall show or state:

(a) This article not for sale.

(b) This article is repaired, or renovated, under the provisions of the Furniture and Bedding Inspection Act of 1939, and this label is attached as required by the Act as a certification that this article is as represented.

(c) That this article contains the same material as it did when it was received from the owner.

(d) In the space provided, the kind and quantity of any material added, which shall be new material.

(e) The date repaired or renovated, together with the name and address of the owner, which shall be either stamped or written in ink.

(f) The serial number of the repairer or renovator, assigned by the Bureau. **Sec. 101.**

Upholstered furniture or bedding received for repairing or renovating shall be labeled with a tag of identification showing the owner's



or dealer's name, address, and date received and remain affixed until article is to be repaired or renovated. **Sec. 103.**

Cotton and wool batting, kapok, feathers, downs, or any other material, or any combination thereof, concealed or not concealed to be used in articles of bedding or upholstered furniture shall be labeled in accordance with this Act. **Sec. 104.**

All feathers and downs, excepting raw stocks sold in bulk or packages shall be labeled with a tag or other marking upon each and every parcel setting forth the true contents according to the requirements of this Act. **Sec. 105.**

Those receiving for sterilization bedding or upholstered furniture for resale shall affix a sterilization label, approved by the Bureau, immediately after the sterilization has been completed. All articles required to be sterilized shall bear the sterilization label required by this Act. **Sec. 203.**

The sterilization label shall show or state:

(a) That article has been sterilized by a process approved by the California State Department of Public Health.

(b) The lot number and serial number of the attached sterilization label.

(c) The kind of article sterilized, and a statement as to the cushions, pads, and pillows belonging to or forming a part of it.

(d) The name of the person for whom sterilized.

(e) The date sterilized.

(f) The name, address and serial number of the sterilizing plant, assigned by the Bureau. **Sec. 204.**

Void or mutilated (sterilization) labels shall be returned to the Bureau. **Sec. 206.**

The tag to be affixed to any article of condemned upholstered furniture or bedding, or any material by an inspector shall be a red tag of such size and containing such information as may be required by the Chief of the Bureau. **Sec. 210.**

The wording, or any other changes, on labels necessary to carry out the provisions of this Act shall be approved by the Chief of the Bureau. **Sec. 220.**

Whenever the word "felt" is used in any statement required by this Act the materials designated thereby shall be in layers as processed by felting machines, and the statement shall indicate whether the felt is "Felted staple cotton" or "Felted cotton linters" or, if any other material is felted, its name shall be indicated. Felt mixtures must state the percentages of each kind of material used in the felt. **Sec. 221.**

Any material used in the form of a pad shall be designated on the label as a pad, and the label shall show grades and percentages by avoirdupois weight of every kind of material used in the pad. **Sec. 225.**

Unlawful to sell, directly or indirectly, at wholesale or retail any article of upholstered furniture or bedding manufactured out of the State unless it is labeled in accordance with the provisions of this Act and fully complies with all the requirements of same. **Sec. 320.**

Filling materials, which may have been damaged by fire, water, or otherwise, or improperly prepared for use shall be designated on the label as "Damaged," "Reclaimed," "Waste," "Residue," or any other proper description approved by the Bureau. A white "All

new material" label may be used if the condition of the material warrants. **Sec. 323.**

#### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Upholstered furniture or bedding shall be plainly and indelibly stamped, or labeled as provided in this Act and approved by the Bureau. **Sec. 90.**

Before display, sale, or delivery of any article of upholstered furniture or bedding, all labels required by this Act shall be securely attached to the article at the factory and shall be fixed in such position that they may be conveniently examined. **Sec. 91.**

The name of the vendor or manufacturer which is required to be placed on the label by either the manufacturer or vendor, shall be printed, stamped, or written in ink. **Sec. 92 (e).**

The "Owner's material" label shall be securely attached to the article at the factory, or shop, and it shall be fixed in position so that it may be conveniently examined. **Sec. 100.**

The date of repair or of renovation and name and address of owner, which are to appear on the "Owner's material" label, shall be stamped, or written in ink. **Sec. 101 (e).**

Every person, upon receiving upholstered furniture or bedding for repairing or renovating shall securely affix, immediately, a tag of identification showing the owner's or dealer's name, address and the date received. The tag shall remain affixed until the article is to be repaired or renovated. **Sec. 103.**

The tag to be affixed to any article of condemned upholstered furniture or bedding, or any material by an inspector shall be a red tag of such size and containing such information as may be required by the Chief of the Bureau. **Sec. 210.**

Statements as headings required on labels shall be in the following forms on materials approved by the Chief of the Bureau and in 24-point gothic type:

- (a) "All new material"—on white fabric.
- (b) "Second-hand material"—on red fabric.
- (c) "Owner's material"—on green fabric.
- (d) "Condemned" tags—on a red tag.
- (e) "Sterilization" labels—On yellow paper approved by the Chief of the Bureau. **Sec. 212.**

The material from which furniture and bedding labels are made must be fabric of good quality, approved by the Chief of the Bureau. **Sec. 212.**

Labels shall not be smaller than 4 by 5 inches for all articles of upholstered furniture having loose cushions or pillows, including studio couches, and not smaller than 3 by 3 inches for "Owner's material" labels, partially upholstered furniture or furniture upholstered without loose cushions or pillows. **Sec. 213.**

The bedding labels shall not be smaller than 3 by 3 inches exposed. **Sec. 214.**

The sterilization labels shall be 3 by 3 inches. **Sec. 215.**

The "condemned" tag shall be a red tag and  $3\frac{1}{4}$  by  $1\frac{1}{8}$  inches in size. **Secs. 216, 210.**

Decorative, boudoir and fancy cushions, or similar articles, may have labels  $2\frac{1}{2}$  by 3 inches in size. **Sec. 217.**

The data required by law shall be printed on one side of the label only. **Sec. 218.**

The stamp which is permitted to be used in lieu of a label, on slip seat chairs and benches, or upholstered stools and similar articles of upholstered furniture having a wood bottom, shall be legible and indelible, stamped at the factory, not smaller than 1½ by 3 inches, and approved by the Bureau. **Sec. 98.**

#### C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

Whenever the word "felt" is used in the statement required by this Act, the materials designated thereby shall be in layers as processed by felting machines. **Sec. 221.**

Unlawful to use the word "floss" in statement concerning upholstered furniture or bedding, or words of like import, if there has been used in filling such articles any material which is not termed as "kapok." Unlawful to use in the description of kapok the word "silk." **Sec. 222.**

Unlawful to use in the statement concerning upholstered furniture or bedding the word "hair" unless the material so named is entirely manufactured of animals' hair. **Sec. 223.**

#### D. PROHIBITIONS AGAINST MISLEADING LABELS AND AGAINST TAMPERING

No mark, tag, sticker, or any other device shall be placed upon labels by any dealer or any other person in such a way as to cover the required statements. **Sec. 218.**

Unlawful to use in the description in the statement on any label any misleading term or designation, or term or designation likely to mislead. **Sec. 219.**

Unlawful to falsely advertise or misrepresent in any way any merchandise coming under the provisions of this Act either directly or indirectly by any medium of advertising, including false statements made on the recognized California State labels or any other label or tag attached to the merchandise in question. **Sec. 225.**

Unlawful, except for purchaser for his own use, to remove, deface, or alter the label or any mark or statement placed upon any upholstered furniture or bedding under this Act. **Sec. 352.**

Unlawful to remove any tag or device placed upon any upholstered furniture or bedding or any material, by an inspector. **Sec. 353.**

## VI. EXEMPTIONS

### A. TO MATERIALS OR FINISHED ARTICLES

Upholstered furniture and bedding repaired, renovated, or manufactured for sale outside of this State are not covered by this Act, other than the sterilization regulations which shall also apply to second-hand upholstered furniture and bedding shipped out of this State. **Sec. 52.**

If any second-hand upholstered furniture is not repaired or renovated before being offered for sale, it is not required to be labeled or stamped in order to be sold. This section does not affect provisions requiring sterilization. **Sec. 106.**



The Act shall not be construed to prohibit the sale as new of any upholstered furniture made from all new materials or to require the sterilization of any such upholstered furniture where no prior use has been made thereof except for display or exhibition purposes, or in the filming of motion pictures, or by a customer of a retailer to whom said upholstered furniture has been delivered on approval and which is later returned to said retailer for credit or exchange; provided that in any of the foregoing cases said upholstered furniture is neither damaged nor contaminated by such use. **Sec. 227.**

#### B. TO PERSONS

Peace officer need not obtain the required retail furniture dealer's license when selling upholstered furniture when being sold by order of court. **Sec. 57.**

The provisions of article 5 of this Act (relating to sterilization and labeling, constituting secs. 200 to 227 inclusive) apply only to persons subject to the license provisions of this Act. **Sec. 226.**

### VII. ADMINISTRATION AND ENFORCEMENT

#### A. INSPECTION; INVESTIGATION

The sterilizer shall keep a record of all data required on the sterilization label, showing the disposition of every label. The records shall be accessible at all times to the Chief and inspectors of the Bureau. **Sec. 206.**

The Bureau shall keep an accurate record of the serial numbers of all sterilization labels issued. **Sec. 206.**

The Chief or any inspector of the Bureau has access to any premises, including those of jobbers, processors and wholesalers of filling material, or to any records held by any person containing any information pertaining to any article or material subject to this Act, and may inspect on the premises materials intended for the manufacture of upholstered furniture or bedding, partly finished and finished articles of upholstered furniture and bedding, may open such articles, including pillows or cushions belonging to or forming a part thereof, for the purpose of inspecting concealed filling material, and may take either the entire article, or samples of filling material in such quantities as may be necessary for analysis. **Sec. 324.**

New or sterilized materials shall at all times be kept separate from any second-hand articles or materials that are unsterilized. **Sec. 208.**

The premises, delivery equipment, machinery, appliances, and devices of all persons licensed under this Act shall at all times be kept free from refuse, dirt contamination, insects or vermin. **Sec. 209.**

Unlawful to interfere with, obstruct, or otherwise hinder any inspector of the Bureau in the performance of his duties. **Sec. 330.**

Failure of any person to produce upon demand of an inspector any article that has been condemned and ordered held on an inspection notice signed by such person, or an inspection notice that the person has refused to sign, is a violation of this Act. **Sec. 354.**

## B. LICENSES AND FEES; REVOCATION OF LICENSES

No rights given by any license or certificate under any statute repealed by this Act are affected by this Act or by such repeal, but such rights shall hereafter be exercised according to the provisions of this Act. **Sec. 4.**

Any person who advertises or solicits work on upholstered furniture or bedding, and who either does the work himself or has others do it for him, shall secure from the Bureau, the particular license provided by this Act for the particular type of work that he solicits or advertises that he will do, regardless of whether he has a shop or factory. **Sec. 53.**

Every serial number issued by the Bureau upon grant of license shall be exclusively for the person to whom issued and said number shall not thereafter be issued. **Sec. 53.**

Every person manufacturing upholstered furniture shall obtain a furniture manufacturer's license from the Bureau, bearing a serial number assigned by it. Annual fee is \$30. **Sec. 54.**

A wholesaler of upholstered furniture, unless holding a furniture manufacturer's license, shall obtain a wholesale furniture dealer's license. Annual fee is \$30. **Sec. 55.**

Persons repairing upholstered furniture or sterilizing any article of upholstered furniture or bedding, unless holding a furniture manufacturer's license shall obtain a wholesale furniture repairer's license bearing serial number assigned by Bureau. Annual fee is \$20. **Sec. 56.**

Persons selling upholstered furniture at retail, including upholstered antique furniture regardless of its condition, unless holding a furniture repairer's license, shall obtain a retail furniture dealer's license. Annual fee is \$5. **Sec. 57.**

Persons manufacturing bedding shall obtain a bedding manufacturer's license bearing serial number assigned by Bureau. Annual fee is \$30. **Sec. 58.**

A wholesaler of bedding, unless holding a bedding manufacturer's license, shall obtain a wholesale bedding dealer's license. Annual fee is \$30. **Sec. 59.**

Persons manufacturing, processing, or selling at wholesale, any felt or batting or any pads, or loose material in bags or containers for use in bedding or upholstered furniture, unless he holds a bedding manufacturer's or an upholstered furniture manufacturer's license, shall procure a supply dealer's license. Annual fee is \$30. Each branch house is subject to this license provision. **Sec. 59.5.**

Persons renovating article of bedding or sterilizing article of upholstered furniture or bedding, unless holding a bedding manufacturer's license, shall obtain a bedding renovator's license bearing a serial number assigned by Bureau. Annual fee is \$20. **Sec. 60.**

Persons selling bedding at retail, unless holding a bedding renovator's license, shall obtain a retail bedding dealer's license. Annual fee is \$5. **Sec. 61.**

Persons importing or selling at wholesale or retail, directly or indirectly, any unlabeled foreign made upholstered furniture or bedding shall fully comply with requirements of this Act including the license provisions before sale of such articles. **Sec. 61.**

Every person in any class shall secure a separate license for each branch house; but one whose manufacturing plant is located in



another State or foreign country, and who is licensed to manufacture upholstered furniture or bedding for sale in California, may have one wholesale sales outlet covered by the license issued to the factory. **Sec. 62.**

Person who sells either directly or indirectly to any person either at wholesale or retail any merchandise subject to this Act by means of a supply depot, car, catalog, office, or in any other manner, must secure the proper license for each such method of sale or distribution. **Sec. 62.**

Person doing business at same address under more than one firm name is subject to the license provisions for each firm name. **Sec. 63.**

Manufacturer and repairer of upholstered furniture and manufacturer and renovator of bedding, who applies for an additional serial number, shall pay an additional license fee for each serial number. **Sec. 64.**

All licenses applied for by a new firm during the license year shall be prorated on the monthly basis. The license period shall begin the month the person engages in business. The fee must be paid in full up to the next July first. This does not apply to any person who has been licensed during the preceding license year in any capacity.

The fees for firms beginning in the following months will be:

	<i>\$30 annual license</i>	<i>\$20 annual license</i>	<i>\$5 annual license</i>
July .....	\$30. 00	\$20. 00	\$5. 00
August .....	27. 50	18. 34	4. 58
September .....	25. 00	16. 66	4. 16
October .....	22. 50	15. 00	3. 75
November .....	20. 00	13. 33	3. 33
December .....	17. 50	11. 66	2. 91
January .....	15. 00	10. 00	2. 50
February .....	12. 50	8. 34	2. 08
March .....	10. 00	6. 66	1. 67
April .....	7. 50	5. 00	1. 25
May .....	5. 00	3. 33	. 84
June .....	2. 50	1. 67	. 42

—**Sec. 65.**

Reclassification for any licensee whose license is paid for the present license year must be obtained by paying the full license fee on the prorated basis for the entire remaining period of the license year, unless the original classification was paid for in error. **Sec. 66.**

Licenses are not transferable. **Sec. 67.**

Removal of any business license under this Act to another location under identical ownership does not invalidate licenses. Due notice in writing on forms furnished by the Bureau, giving new and old addresses shall be given the Bureau. **Sec. 68.**

All fees collected under the provisions of this Act shall be reported to the State Controller and paid to the State Treasurer and credited to the Bureau of Furniture and Bedding Inspection fund, to be expended only in carrying out the provisions of this Act. The Chief of the Bureau may withdraw from the fund the sum of \$1,500 to be used as a revolving fund. **Sec. 68.**

Renewal license fees, which are not paid before September 1, shall become delinquent, and there shall be added to the requisite fee a penalty of 20 percent. An additional 10 percent delinquency penalty shall be added to the renewal fee remaining unpaid after December 1. **Sec. 69.**

The Bureau of Furniture and Bedding Inspection fund established under the laws heretofore in effect shall continue in existence and be available for expenditure under the provisions of this Act. All funds, moneys, and appropriations to the credit of or made to the Bureau of Furniture and Bedding Inspection under the laws heretofore in effect are available for expenditure by the Bureau of Furniture and Bedding Inspection under the provisions of this Act. **Sec. 326.**

#### C. SEIZURE; DESTRUCTION

The Bureau may condemn, seize, or destroy any upholstered furniture or bedding which is found to be in violation of this Act. **Sec. 329.**

The Bureau may condemn, seize, or destroy any filling material, units or other structural parts, intended to be used in the manufacture, repair, or renovation of upholstered furniture or bedding in violation of this Act. **Sec. 329.**

The Chief or any inspector of the Bureau may take either the entire article of bedding or upholstered furniture or samples of filling material in such quantities as may be necessary for analysis. **Sec. 324.**

#### D. OTHER ADMINISTRATIVE POWERS

All persons who, at the time this Act goes into effect, hold office under any of the Acts repealed by this Act, which offices are continued by this Act, continue to hold the same according to the former tenure thereof. **Sec. 2.**

There is in the Department of Professional and Vocational Standards a Bureau of Furniture and Bedding Inspection under the supervision and control of the Chief of the Bureau of Furniture and Bedding Inspection. **Sec. 40.**

The duty of enforcing and administering the provisions of this Act is vested in the Chief of the Bureau and he is responsible to the Director of Professional and Vocational Standards therefor. **Sec. 41.**

In addition to the powers and duties otherwise conferred and imposed upon him by this Act, the Chief of the Bureau has all the powers and duties of a head of a department under article II, chapter III, title I, part III, of the Political Code. **Sec. 43.**

"With the approval of the Director, the Chief may adopt rules and regulations necessary for the administration of this Act and declaring the policy of the Bureau." **Sec. 44.**

All rules and regulations shall become effective not less than 30 days after approval by the Director. **Sec. 44.**

The enforcement of all sterilization regulations approved by the California State Department of Public Health, pertaining to any article subject to the Act, is vested in the Bureau. **Sec. 200.**

The Chief or any inspector of the Bureau may determine the fitness of any second-hand or damaged article of upholstered furniture or bedding for sterilization and sale, and of any materials intended to be used in the manufacture of any article or articles of upholstered furniture or bedding. **Sec. 326.**

The Bureau shall establish grades, specifications, and tolerances for the kinds and qualities of materials which are used or intended to be used in the manufacture of upholstered furniture or bedding, and may approve or adopt standard designations and rules for the proper labeling of articles filled with these materials not in conflict with any

provisions of this Act. All grades, specifications, tolerances, and labeling rules shall be enforced by all inspectors. **Sec. 327.**

No rule, regulation, grade, specification, or tolerance promulgated by the Bureau shall be operative or in effect until the rule, regulation, grade, specification, or tolerance has been approved by the Director of the Department of Professional and Vocational Standards. **Sec. 327.**

The Chief of the Bureau, his deputies, and assistants, and all inspectors in the performance of their official duties, shall have the same powers as are possessed by peace officers in this State. **Sec. 330.**

Until rules and regulations are issued under this Act, all rules and regulations relating to upholstered furniture and bedding under the laws heretofore in effect, shall continue to be operative and effective under this Act insofar as they are consistent with this Act. **Sec. 400.**

The Bureau of Furniture and Bedding Inspection established under the laws heretofore in effect shall continue in existence and shall exercise all the powers and perform all duties vested in it and imposed upon it by this Act. **Sec. 402.**

All officers and employees of the Bureau of Furniture and Bedding Inspection shall retain the same tenure, classification, compensation, and status under this Act as they had under the laws heretofore in effect. **Sec. 403.**

#### E. ENFORCEMENT PROCEDURE

Any inspector of the Bureau having knowledge of a violation of any of the provisions of this Act shall notify the Chief of the Bureau of the violation, or cause the violator to be prosecuted. **Sec. 328.**

Responsibility for compliance with this Act shall rest not only with the manufacturer but with any person having in his possession any article of bedding or upholstered furniture contrary to the provisions of this Act. **Sec. 351.**

The Chief or an inspector of the Bureau may cite any person engaged in manufacturing, repairing, renovating, sterilizing, or selling any upholstered furniture or bedding or materials intended to be used in its manufacture, repair, or renovation, to a hearing before the Chief or the inspector to show cause why he should not be subject to disciplinary action or prosecution for any act or omission in violation of this statute. **Sec. 324.**

No action or proceeding commenced before this Act takes effect, and no right accrued, is affected by the provisions of this Act, but all procedure thereafter taken therein shall conform to the provisions of this Act so far as possible. **Sec. 3.**

No rights given by any license or certificate under any statute repealed by this Act are affected by the enactment of this Act or by such repeal but such rights shall hereafter be exercised according to this Act. **Sec. 4.**

#### F. FINE; IMPRISONMENT

Not less than \$50 nor over \$500 fine and/or not less than 3 months nor over 6 months imprisonment. **Sec. 350.**

The unit for a separate and distinct offense in violation of this Act is each and every article of improperly labeled, or not labeled, upholstered furniture or bedding made, repaired, recovered, renovated, sterilized, sold, exposed or offered for sale, delivered, consigned, rented, or possessed with intent to sell contrary to the provisions of this Act. **Sec. 351.**



## COLORADO

1935 Colorado Statutes Annotated; Vol. 3, Chap. 78, Secs. 185-189

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### I. DEFINITIONS

"Second-handed" includes any material which has been used before in any of the articles enumerated in definition of "mattress," or in any article of household or wearing apparel, however afterwards treated. **Sec. 187.**

"Mattress," see II.

### II. COVERAGE

1. Mattresses, including quilted pads, stuffed with hair, cotton, shoddy, wool, cotton linters, wool, feathers or other soft material to be used on beds for sleeping or reclining purposes. **Sec. 186.**

2. Pillows, cushions, muff beds, down quilts, or bags containing hair, cotton down, wool, shoddy wool, cotton linters, or other material. **Sec. 185.**

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

Unlawful to use in whole or in part in manufacture of mattress or other article of bedding any material which has been used in or formed part of article of bedding used in or about a public or private hospital or by or about a person having an infectious or contagious disease. **Sec. 185.**

#### B. PERMITTED IF STERILIZED

No provision.

### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

#### A. PROHIBITED

Unlawful to sell any article which has been used in or about a public or private hospital or by or about a person having an infectious or contagious disease. **Sec. 185.**

#### B. PERMITTED IF STERILIZED

No provision.

## V. TAGS, LABELS, SEALS

### A. GENERAL LABELING REQUIREMENTS

Unlawful to manufacture or sell, in regular course of trade, any articles covered by the Act unless they are branded or labeled to show kind and character of materials used in the manufacture of same. If materials used are entirely new, label shall contain statement: "The materials used in the manufacture of this mattress (or other article of bedding) are entirely new." If materials are second-handed, label shall contain statement: "The materials used in the manufacture of this mattress (or other article of bedding) are second-handed," with specific statement of kind and character of the second-hand materials used. **Sec. 185.**

### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Label shall be in form of cloth tag, sewed or otherwise securely attached, not less than 3 inches long by 2½ inches wide; and statements thereon are to be in plain print, in large type and in English language. **Sec. 185.**

### C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

### D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful to remove, conceal, or deface, for purpose of deception, any such brand or label as provided for herein. **Sec. 185.**

## VI. EXEMPTIONS

No provision.

## VII. ADMINISTRATION AND ENFORCEMENT

### A. INSPECTION; INVESTIGATION

No provision.

### B. LICENSES; FEES; REVOCATION OF LICENSE

No provision.

### C. SEIZURE; DESTRUCTION

No provision.

### D. OTHER ADMINISTRATIVE POWERS

No provision.

### E. ENFORCEMENT PROCEDURE

No provision.

### F. FINE; IMPRISONMENT

For first offense: Not less than \$25 nor over \$200 and/or not over 3 months imprisonment. For second offense: Not less than \$200 nor over \$500 and/or not over 6 months imprisonment. **Sec. 189.**

## CONNECTICUT

1939 Supplement to 1930 Connecticut General Statutes; Sec. 942e

### I. DEFINITIONS

"Filling material" includes hair, down, feathers, wool, cotton, kapok, excelsior, or other soft material used for filling articles of bedding or upholstered furniture. **Sec. 942e (A).**

"New" refers to material or article which has not been used for any purpose and includes byproducts produced in processing cotton or in manufacture of new fabric, and material reclaimed from new fabric and from new material. **Sec. 942e (A).**

"Second-hand" refers to material or article which has been used, including any article of bedding, upholstered furniture, or filling material returned by a purchaser for exchange, alteration, or correction after 30 days from date of delivery. **Sec. 942e (A).**

"Commissioner" means the Commissioner of Labor and Factory Inspection. **Sec. 942e (A).**

"Bedding," see II.

"Upholstered furniture," see II.

### II. COVERAGE

1. Bedding, i. e., any mattresses, pillows, cushions, quilts, comforters, bed pads, upholstered spring beds, box springs, davenports, day beds, bed springs, or substantially similar articles used or intended for use while sleeping or reclining. **Sec. 942e (A).**

2. Upholstered furniture, i. e., any articles of furniture wholly or partly stuffed or filled with soft material and which are used or intended for use while sitting, resting or reclining. **Sec. 942e (A).**

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

No provision.

#### B. PERMITTED IF STERILIZED

Unlawful to sell, or use in manufacture of bedding or upholstered furniture, second-hand material which has become soiled or contaminated by filth, infection, or contagion, unless it has been thoroughly cleaned and sterilized by process approved by Commissioner. Unlawful to sell material used in making article of bedding or upholstered furniture which material has been used by or about a person having infectious or contagious disease, unless such article or material

shall have been sterilized by process approved by Commissioner. **Sec. 942e (B), (a) and (b).**

Sterilization of material used is required before sale of articles of bedding and upholstered furniture if: (1) Material came from animal or fowl; (2) it contains any bugs, vermin, insects, or filth; (3) it is insanitary; (4) it contains burlap or other material used for baling; or (5) it is second-hand. **Sec. 942e (B) (f).**

Sterilization process to be used in sterilizing materials as required herein must first be approved by Commissioner. **Sec. 942e (B) (1).**

#### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

##### A. PROHIBITED

Unlawful to appropriate for own use, or use of another, or for sale, bedding or upholstered furniture which has been abandoned by owner. **Sec. 942e (B) (k).**

##### B. PERMITTED IF STERILIZED

Before sale, complete second-hand articles covered by the Act shall be remade and sterilized by approved process. However, this provision shall not apply to sale at public auction, sale of antique furniture or private sale from home of owner direct to purchaser, unless article has been exposed to infectious or contagious disease. **Sec. 942e (C).**

Unlawful to sell article of bedding or upholstered furniture which has been used by or about a person having infectious or contagious disease, unless article is sterilized by process approved by Commissioner. **Sec. 942e (B) (b).**

#### V. TAGS, LABELS, SEALS

##### A. GENERAL LABELING REQUIREMENTS

Bedding and upholstered furniture made for sale or sold shall have tag attached stating: Name of material used; whether new or second-hand; when required to be sterilized, that material has been sterilized and number of sterilizing permit; the name and address of maker or vendor and registry number of maker. Tags attached to new articles shall be legibly stamped or marked by retail vendor with date of delivery to customer. **Sec. 942e (C).**

Remade or renovated articles for owner's own use shall bear tag stating in addition to other facts hereinabove required, the name and address of owner; and of remaker or renovator; the fact that article is not for sale and that it contains same material received from owner; and the name and amount of material added during remaking. **Sec. 942e (C).**

Shipment of filling material shall have firmly and conspicuously affixed a tag stating name and address of maker, preparer, or vendor; name of material and whether it is new or second-hand; and, if sterilized, the number of the sterilization permit. **Sec. 942e (C).**

Tag shall contain certification that article complies with law; may also state that it complies with law of any other state. **Sec. 942e (B) (g).**



Registry number assigned by Commissioner shall appear on tags. **Sec. 942e (B) (g).**

Inspection stamps shall bear seal of State and other matter as Commissioner may require, and shall be affixed to said tag before sale. **Sec. 942e (B) (g).**

Commissioner, when he finds article or filling material which has been used by or about a person having an infectious or contagious disease, shall affix a tag bearing word "unclean" in conspicuous letters, which shall not be removed except by him. **Sec. 942e (C).**

Articles or materials placed off sale by Commissioner shall not be sold until such are lawfully tagged and until he removes "Off sale" tag. **Sec. 942e (C).**

Written permission is required before manufacturer or vendor may deliver any unattached tag to any person. **Sec. 942e (B) (j).**

#### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHMENT

Tags shall be prominently and securely attached as Commissioner may require. Tags shall be approved by the Commissioner and shall be made of muslin, linen, or material of like durability. Paper-faced tags are prohibited. Statements shall be legibly printed or stamped on one side only, in English language, in letters at least  $\frac{1}{8}$ -inch high. Mattress or pillow tags shall be at least 6 square inches. **Sec. 942e (C).**

#### C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

When material is described on tag as "all," "pure," "100%," or by terms of similar import, no variance other than commercially accepted variances will be allowed. **Sec. 942e (C).**

#### D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful for other than purchaser at retail for own use, to remove, deface, or alter tag on bedding or upholstered furniture, except that upon removal of filling material from container, tag and inspection stamps thereon shall be destroyed by person removing the material. **Sec. 942e (B) (h).**

Unlawful to make or sell counterfeit or imitation of inspection stamp or permit required herein. **Sec. 942e (B) (j).**

Unlawful to sell bedding or upholstered furniture as new unless made from all new material; or to sell second-hand filling material as new material. **Sec. 942e (B) (c) and (d).**

No term or designation on the tag intended or likely to mislead shall be used in description of materials. When article contains more than one kind of material and rules adopted under the Act require amount of materials to be stated on tag, a variance of not over 10 percent shall not be deemed misleading. Only commercially accepted variances are allowed when materials are described as "all," "pure," "100%," or by terms of like import. **Sec. 942e (C).**



## VI. EXEMPTIONS

## A. TO MATERIALS OR FINISHED ARTICLES

Except where used by or about a person having infectious or contagious disease, the restriction against selling complete second-hand articles of bedding or upholstered furniture does not apply to sale at public auction, sale of antiques, or sale directly from home of owner to purchaser. **Sec. 942e (C).**

Inspection stamps not required on articles to be shipped and sold outside the State. **Sec. 942e (B) (g).**

## B. TO PERSONS

See VI A.

## VII. ADMINISTRATION AND ENFORCEMENT

## A. INSPECTION; INVESTIGATION

Commissioner or his agents have power to inspect manufacture and sale or delivery of articles and materials covered by the Act; and to open and examine contents thereof. **Sec. 942e (E).**

## B. LICENSES; FEES; REVOCATION OF LICENSE

Applicants shall be registered and assigned registry number after purchase of first 1,000 inspection stamps, or upon first payment of a yearly fee. The inspection stamp fee is \$10 per 1,000 stamps. Payments for yearly fee and sterilization permits, fines, and other monies shall go to Commissioner, who shall transfer them to State Treasurer. (NOTE.—The amount of yearly fee does not seem to be stated in the Act.) **Sec. 942e (D).**

## C. SEIZURE; DESTRUCTION

Commissioner may seize and hold for evidence, an article in whole or in part, which he has reason to believe is made or sold or held in violation of the Act. **Sec. 942e (E).**

## D. OTHER ADMINISTRATIVE POWERS

Commissioner shall make rules and regulations necessary for proper enforcement of the Act. **Sec. 942e (F).**

## E. ENFORCEMENT PROCEDURE

A certified copy of any analysis made by the department shall be received in evidence without the presence in court of the person making such analysis. **Sec. 942e (E).**

## F. FINE; IMPRISONMENT

Not less than \$25 nor over \$100 fine for first violation, and not less than \$100 nor over \$500 fine and/or imprisonment not over 60 days for each subsequent violation. **Sec. 942e (G).**

Each counterfeited or imitated stamp or permit made, used, sold, or delivered contrary to this Act shall constitute a separate offense. **Sec. 942e (B) (j).**

# DELAWARE

Revised Code of Delaware, 1935; Secs. 874-888

## I. DEFINITIONS

"New" refers to any material or article which has not been previously manufactured or used for any purpose. **Sec. 874.**

"Second-hand" refers to any material or article of which prior use has been made. **Sec. 874.**

"Shoddy" means any material spun into yarn, knit or woven into fabric, and subsequently cut up, torn up, broken up, or ground up. **Sec. 874.**

"Mattress," see II.

"Pillow," "bolster," or "feather bed," see II.

"Comfortable," see II.

## II. COVERAGE

1. Mattresses, i. e., quilted pads, mattresses, mattress pads, mattress protectors, bunks, quilts or box springs, stuffed or filled with excelsior, straw, hay, grass, corn husks, moss, fiber, cotton, wool, hair, jute, kapok, or other soft material, to be used on couches or other beds for sleeping purposes. **Sec. 874.**

2. Pillows, bolsters, or feather beds, i. e., any bags, cases or coverings made of cotton or other textile material, and stuffed or filled with excelsior, straw, hay, grass, corn husks, moss, fiber, cotton, wool, hair, jute, feathers, feather down, kapok, or other soft material to be used on beds or other articles for sleeping purposes. **Sec. 874.**

3. Comfortables, i. e., any covers, quilts, or quilted articles made of cotton, or other textile material, and stuffed or filled with fiber, cotton, wool, hair, jute, feathers, feather down, kapok, or other soft material. **Sec. 874.**

## III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

### A. PROHIBITED

No provision.

### B. PERMITTED IF STERILIZED

Unlawful to use in making or renovating any mattress, pillow, bolster, feather bed, or comfortable (a) any material known as shoddy or any fabric or material from which shoddy is constructed; (b) any second-hand material; (c) any new or second-hand feathers, unless such above named materials have been sterilized and disinfected by a reasonable process approved by State Board of Health. (See VII A.) **Sec. 875.**

#### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

##### A. PROHIBITED

No provision.

##### B. PERMITTED IF STERILIZED

Unlawful to sell or deliver second-hand mattress, pillow, bolster, feather bed, or comfortable unless since last used said article has been thoroughly sterilized and disinfected by process approved by State Board of Health. (See VII A.) **Sec. 878.**

#### V. TAGS, LABELS, SEALS

##### A. GENERAL LABELING REQUIREMENTS

Articles covered by Act, except feather- or down-filled pillow, bolster, bed, or comfortable, shall bear tag containing (a) a statement of the kind of materials used in filling, whether wholly new or second-hand or partly second-hand; (b) the word "second-hand" where article has had prior use; and (c) the number of sterilizing and disinfecting permit. **Sec. 879.**

Pillow or other article covered by the Act where feathers or down is used shall bear tag containing (a) a statement that the feathers or down have been sterilized and disinfected in accordance with the Act; (b) the number of sterilizing and disinfecting permit; (c) word "second-hand" upon feather or down filled article which has had prior use. No additional information shall be given on the tag. **Sec. 879.**

Adhesive stamps bearing registry number of applicant and replica of State seal and any other administratively required matter shall be attached to the tag. **Sec. 881.**

##### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Articles covered by the Act shall bear securely attached thereto and visible on outside covering thereof a substantial cloth tag, not less than 6 square inches in size, the statements on which, shall be plainly and indelibly stamped or printed in English language. Statements of materials used in filling shall be in plain type not less than ⅛-inch high. **Sec. 879.**

##### C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

Unlawful to use, exclusively, the word "felt" or words of like import on the tag, if other than garnetted materials are used in filling; or words "curled hair," or words of like import, if other than curled hair is used in filling. **Sec. 879.**

##### D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful to make false, untrue, or misleading statement, term, or designation on tag; or to remove, deface, or alter such tag or the required adhesive stamp thereon; or remove, deface, or alter any statement on such tag. Unlawful to imitate, counterfeit, sell, or have in possession any imitated or counterfeited adhesive stamps required by the Act. **Sec. 879.**



## VI. EXEMPTIONS

## A. TO MATERIALS OR FINISHED ARTICLES

No provision.

## B. TO PERSONS

Persons engaged in making, remaking, or sale of article covered by the Act need not themselves perform the sterilizing and disinfecting required by the Act, but may have such performed by another to whom a permit for such purpose has been issued, provided the number of the permit appears in statement on the tag attached to article. **Sec. 876.**

## VII. ADMINISTRATION AND ENFORCEMENT

## A. INSPECTION; INVESTIGATION

Those sterilizing or disinfecting articles or materials covered by the Act, and those making, remaking, or renovating such articles in which second-hand material is used, or any feathers, down, shoddy, fabric or material of which shoddy is constructed, is used, shall submit to State Board of Health for approval a reasonable and effective process, with duplicate plans of apparatus or auxiliary devices, for sterilization and disinfection of articles and material herein enumerated. A numbered permit shall be given, upon approval of such process, which is to be conspicuously posted in office or place of business. (See VII B.) **Sec. 876.**

Places where mattresses, pillows, bolsters, feather beds, or comfortables are made, remade, or renovated; or where materials for same are prepared, or where said articles are offered for sale or possessed with intent to sell or deliver, or where the sterilizing or disinfecting is performed, shall be subject to inspection by State Board of Health for determination of whether said article and materials conform to requirements of this Act. **Sec. 877.**

Where the manufacturing or processing of articles or materials covered by the Act is outside the State, State Board of Health may, in lieu of a physical inspection, satisfy itself of the propriety of issuing a permit to such nonresident or of renewing or keeping in force a permit so issued, by examination of the product of the nonresident or by such other means as said Board may deem adequate. If and when it is deemed necessary to make physical inspection of nonresident factory, Board may require payment by such nonresident for all reasonable traveling charges entailed thereby. **Sec. 884.**

## B. LICENSES: FEES; REVOCATION OF LICENSE

Those engaged in making, remaking, or renovating, or sterilizing articles and materials which are required to be sterilized by the Act shall obtain a numbered permit from State Board of Health. Applicant shall pay \$50 to said Board for such permit, which fee shall be transferred to the State's General Fund. **Secs. 876, 883.**

Unlawful to sell or deliver articles covered by the Act unless there is attached to the tag required herein an adhesive stamp issued by State Board of Health. Fee for adhesive stamps which are required to be attached to tags shall be \$10 per 1,000, which charge shall con-



stitute an inspection charge for purpose of enforcing Act. **Secs. 880, 882.**

Refusal to display the required permit constitutes sufficient reason to revoke and forfeit same. **Sec. 876.**

State Board of Health may revoke permit upon violation of the Act by owner, or rules and regulations promulgated thereunder. **Sec 876.**

#### C. SEIZURE; DESTRUCTION

State Board of Health may take for evidence at any trial involving violation of the Act, any article made or offered for sale in violation of the Act. **Sec. 885.**

#### D. OTHER ADMINISTRATIVE POWERS

State Board of Health shall make and enforce reasonable rules and regulations for enforcement of the Act. **Sec. 885.**

Board may prepare and cause to be printed adhesive stamps which shall bear a replica of State seal, registry number of applicant, and such other matter as said Board shall direct. **Sec. 881.**

Board shall, upon application by person entitled thereto, register such applicant and assign registry number, by which number thereafter applicant is to be known and designated in application and enforcement of the tagging, inspection, and adhesive stamp provisions of the Act. **Sec. 880.**

#### E. ENFORCEMENT PROCEDURE

No provision.

#### F. FINE; IMPRISONMENT

Not less than \$10 nor over \$50 fine or in default of which not less than 10 days imprisonment for each separate offense, provided the imprisonment does not aggregate over 10 months. **Sec. 886.**

Each article made, remade or renovated, sold, or delivered shall constitute a separate offense. **Sec. 886.**

Each imitated or counterfeited adhesive stamp made, used, sold, or delivered contrary to this Act shall constitute a separate offense. **Sec. 886.**

## DISTRICT OF COLUMBIA

Code of the District of Columbia, 1929, Title 19, Secs. 41-48; and Supplement IV, Title 20, Sec. 1718. References below are to the 1929 Code except where otherwise indicated

### I. DEFINITIONS

"Commissioners" means the Board of Commissioners of the District of Columbia. **Sec. 41.**

"Mattress," see II.

### II. COVERAGE

Mattresses, i. e., any quilts, comforts, pads, pillows, cushions, or bags stuffed with hair, down, feathers, wool, cotton, excelsior, jute, or any other soft material and designed for use for sleeping or reclining purposes. **Sec. 41.**

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

Unlawful knowingly to sell or give away any mattress composed in whole or in part from material which formed part of mattress theretofore used in sanitarium or hospital or by individual having infectious or contagious disease. **Sec. 42 (d) (1).**

Unlawful to use in renovation of mattress, material which has formed part of mattress theretofore used in or about any sanitarium or hospital, or used by individual having infectious or contagious disease. **Sec. 42 (b).**

#### B. PERMITTED IF STERILIZED

Unlawful knowingly to sell or give away any mattress composed wholly or partly of second-hand material unless material has been thoroughly sterilized and disinfected by process approved by health officer of District of Columbia. **Sec. 42 (d) (2).**

### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

#### A. PROHIBITED

Unlawful knowingly to sell or give away any mattress which has been used, or is composed in whole or in part from material which formed part of mattress theretofore used in sanitarium or hospital or by individual having infectious or contagious disease. **Sec. (d) (1).**

## B. PERMITTED IF STERILIZED

Unlawful knowingly to sell or give away any mattress which is composed wholly or partly of second-hand material which has not been thoroughly sterilized and disinfected by process approved by health officer of District of Columbia. **Sec. 42 (d) (2).**

## V. TAGS, LABELS, SEALS

## A. GENERAL LABELING REQUIREMENTS

Manufacturer, renovator, or dealer in mattresses shall not sell or give away mattress unless labeled in accordance with following requirements: In case the mattress has not been renovated, label shall contain name and address of manufacturer, a description of materials used in manufacture and whether such materials are wholly or partly second-hand. Where mattress has been renovated, label shall contain the word "Renovated" and statement of name and address of renovator, and a description of materials used. Materials used shall be described in such manner as the Commissioners shall by regulation prescribe. **Sec. 43.**

## B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Label shall consist of a tag which shall be sewed or otherwise securely attached to mattress. Statements shall be in plain legible print in English language. Materials used shall be described in such manner as the Commissioners shall by regulation prescribe. **Sec. 43.**

## C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

## D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Manufacturer shall not sell or give away as new any mattress where second-hand materials have been used in whole or in part in the manufacture thereof. **Sec. 42 (c).**

Manufacturer, renovator, or dealer shall not sell or give away any mattress having false or misleading label, statement, design, or device in respect to material or process of manufacture or renovation, or which is not labeled as provided herein. **Sec. 42 (a).**

Manufacturer, renovator, or dealer shall not remove, conceal, or deface any label placed on mattress in accordance with this Act. **Sec. 42 (e).**

## VI. EXEMPTIONS

## A. TO MATERIALS OR FINISHED ARTICLES

No provision.

## B. TO PERSONS

No dealer shall be prosecuted who can show a guaranty by the vending manufacturer residing in United States, to the effect that statements contained on the attached labels are true, giving name and address of the manufacturer. Such guaranty makes manufac-

turer amenable to penalties which would otherwise attach to dealer. **Sec. 44.**

## VII. ADMINISTRATION AND ENFORCEMENT

### A. INSPECTION; INVESTIGATION

When the health officer believes provisions herein are being violated, it is his duty to cause investigation. He may during business hours enter any place where mattresses are manufactured, renovated, or held for sale or gift or delivery in pursuance thereof. Evidence gathered shall be furnished to the corporation counsel. No person shall refuse or obstruct such inspection. **Sec. 47.**

### B. LICENSES; FEES; REVOCATION OF LICENSE

Manufacturers and renovators of mattresses required to pay a license fee of \$75 per annum. **Title 20, Sec. 1718, Supplement IV.**

Owners or managers of places where mattresses are sold or stored shall pay a license fee of \$10 per annum. **Title 20, Sec. 1718, Supplement IV.**

### C. SEIZURE; DESTRUCTION

When a mattress held for sale or gift, or delivery in pursuance thereof, is found to be in violation of sanitation provisions, health officer shall, after filing written order stating reason therefor, without further notice cause mattress or materials thereof to be seized, removed, and destroyed by summary action. **Sec. 48.**

### D. OTHER ADMINISTRATIVE POWERS

Health officer of District of Columbia shall be in charge of administration of the Act, under supervision of the Commissioners. Commissioners are authorized to make such regulations as are necessary to efficient administration. **Sec. 45.**

### E. ENFORCEMENT PROCEDURE

Prosecutions under this Act, except those concerning nonresident manufacturers, shall be in the police court of the District of Columbia upon information by the corporation counsel. **Sec. 45.**

### F. FINE; IMPRISONMENT

Not over \$500 fine and/or not over 6 months imprisonment. **Sec. 45.**



# GEORGIA

Georgia Code, Annotated, 1939 Cumulative Pocket Supplement; Secs. 88-1301 to 88-1314 and Sec. 88-9930

## I. DEFINITIONS

"New material" means any material which has not been used in the manufacture of another article or used for any other purpose. **Sec. 88-1301.**

"Previously used material" means (a) any material which has been used in the manufacture of another article or used for any other purpose; (b) any material made into thread, yarn or fabric and subsequently torn, shredded, picked apart, or otherwise disintegrated, including jute and shearings. **Sec. 88-1301.**

"Sweeps" or "oily-sweeps" as used in the cotton waste trade, means mill floor sweepings, and shall be classified as previously used material. **Sec. 88-1301.**

"Felt" means material which has been carded in layers by a Garnett machine. **Sec. 88-1301.**

"Mattress," see II.

## II. COVERAGE

Mattresses, i. e., unless context clearly discloses otherwise, mattresses, upholstered springs, comforters, pads, cushions, upholstered furniture, or pillows used for sleeping, and not smaller than 12 inches in their greatest dimensions.

## III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

### A. PROHIBITED

No provision.

### B. PERMITTED IF STERILIZED

Unlawful to make, remake, or renovate mattress for another, using previously used material which has not been sterilized since last used, by a process approved by State Board of Health. **Sec. 88-1305.**

## IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

### A. PROHIBITED

No provision.

### B. PERMITTED IF STERILIZED

Unlawful to sell a used mattress unless, since last used, it has been sterilized by a process approved by Board of Health. **Sec. 88-1306.**

## V. TAGS, LABELS, SEALS

### A. GENERAL LABELING REQUIREMENTS

Mattress received for renovation or storage shall have attached thereto from the time it was received, a tag upon which is legibly

written the date of receipt and name and address of owner. **Sec. 88-1307.**

Unlawful to make, remake, renovate, or sell mattress which is not tagged showing (a) name of materials used to fill such mattress, (b) name and address of maker or vendor, (c) the words "Made of new materials" if containing no previously used material; or "Made of previously used material" if material classified as previously used material is contained in such mattress; or "Second-hand" if mattress has been previously used but not remade. **Sec. 88-1309.**

An adhesive stamp which is to be provided and furnished by Board of Health shall be affixed to the tag. **Sec. 88-1308.**

#### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Tag shall be cloth or cloth backed, securely sewed on outside cover of every mattress before filling is placed therein; and shall be at least 2 by 3 inches in size, with required adhesive stamp affixed thereto. Statements shall be stamped or printed in English language  $\frac{1}{8}$ -inch high. **Sec. 88-1309.**

#### C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

#### D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Tag shall contain nothing of a misleading nature. **Sec. 88-1309.**

Unlawful for other than a purchaser for his own use to remove, deface, or alter the tag. **Sec. 88-1309.**

Unlawful to counterfeit the required adhesive stamp. **Sec. 88-1314.**

### VI. EXEMPTIONS

#### A. TO MATERIALS OR FINISHED ARTICLES

See VI B.

#### B. TO PERSONS

Sterilization requirement for used mattresses does not apply to public sale under due process of law or sale by executor or administrator of an estate. **Sec. 88-1306.**

A plant or place of business owned solely by blind persons in which not more than one seeing assistant is employed in the manufacture or renovation of mattresses, shall not be required to pay any charges or taxes levied or to be collected under this Act. **Sec. 88-1303.**

State institutions engaged in the manufacture of mattresses for the use of State institutions of this State shall not be required to use the adhesive stamps provided for herein. **Sec. 88-1308.**

### VII. ADMINISTRATION AND ENFORCEMENT

#### A. INSPECTION; INVESTIGATION

Board of Health may inspect every place where mattresses are made, remade, renovated, or sold or where material to be used in the manufacture thereof is mixed, worked, or stored. **Sec. 88-1311.**

When officer of Board of Health has evidence or good reason to believe mattress is not tagged or filled as required by Act he may

open seam of mattress, examine purchase records and invoices in order to determine kind of material used in such mattress. **Sec. 88-1312.**

Board may require person supplying material to manufacturer to furnish such manufacturer an itemized invoice of all materials so furnished. Manufacturer shall keep such invoice on file for one year, subject to inspection of Board of Health. **Sec. 88-1313.**

#### B. LICENSES; FEES; REVOCATION OF LICENSE

Unlawful to make, remake, or renovate mattresses, except for one's own use, unless a license is secured from Board of Health at a fee of \$25, annually. **Sec. 88-1303.**

Applicants for such license shall furnish Board with a detailed drawing and description of any sterilizing apparatus and process to be used, which shall be approved by Board before license granted. **Sec. 88-1304.**

Stamps required on tags shall be issued at a cost of \$5 per 250 stamps. **Sec. 88-1308.**

Board of Health may use not over 25 percent of all money collected under the Act for supervision and general expenses of the Department of Public Health and the remainder of the money shall be used for salary and expenses of the personnel of the Board to enforce the Act. **Sec. 88-1310.**

Board may revoke the license of persons convicted twice of violating the Act. A new license shall not be issued for a period of 6 months and then only upon payment of another inspection fee of \$25 for a new license. **Sec. 88-1314.**

#### C. SEIZURE; DESTRUCTION

Inspectors of Board of Health may seize and hold for evidence any mattress or material made, possessed, or offered for sale contrary to this Act. **Sec. 88-1312.**

#### D. OTHER ADMINISTRATIVE POWERS

No provision.

#### E. ENFORCEMENT PROCEDURE

The possession of one or more articles covered by the Act, when found in any store, warehouse or place of business other than a private home, hotel, or other place where such articles are ordinarily used shall constitute prima facie evidence that the article or articles are possessed with intent to sell or sterilize and sell the same. **Sec. 88-1315.**

#### F. FINE; IMPRISONMENT

Not over \$50 fine and/or not over 3 months imprisonment. **Secs. 88-1314, 88-9930.**

Each adhesive stamp counterfeited and each mattress made, remade, renovated, or sold contrary to this Act shall be a separate and distinct violation and offense. **Sec. 88-1314.**



## ILLINOIS

Illinois Revised Statutes, 1939, Chap. 38, Secs. 67-74, 497, 498

### I. DEFINITIONS

"Bedding," see II.

### II. COVERAGE

Bedding, i. e., any mattresses, mattress pads, bed comforters, quilted pads, upholstered springs, or pillows, except where filling thereof consists exclusively of sterilized feathers.

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

No provision.

#### B. PERMITTED IF STERILIZED

Unlawful to use in making or remaking bedding, material which has been used by or about a person having an infectious or contagious disease, or which formed part of bedding which has been so used, unless material is disinfected by an approved process. **Sec. 68.**

Except when remaking or renovating by or for the owner, all material used for filling in remaking or renovating a mattress, quilt, or bed comforter, together with the covering thereof, shall be first sterilized. **Sec. 497.**

### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

#### A. PROHIBITED

Unlawful to sell or deliver bedding which has been used by or about a person having an infectious or contagious disease. **Sec. 69.**

#### B. PERMITTED IF STERILIZED

No provision.

### V. TAGS, LABELS, SEALS

#### A. GENERAL LABELING REQUIREMENTS

Unlawful to sell bedding unless articles have label or tag stating material used: If all material used in the manufacture has not been previously used, words "Manufactured of new material" shall appear together with name and address of maker or vendor or successive vendors. If any material used in the making or remaking has been



previously used, words "Manufactured of used materials" or "Remade of used materials" as case may be, shall appear on label, together with names and addresses as above, and also material used as the filling of such article of bedding. **Sec. 70.**

If article of bedding be enclosed in bale, box, or crate, the receptacle shall bear label stating that contents are labeled or tagged as required by the Act. **Sec. 70.**

Where mattress, quilt, or bed comforter is remade or renovated, statement is required on tag that article is remade or renovated, that contents and cover have been sterilized, and a statement of the name and address of person sterilizing, and person remaking or renovating. **Sec. 497.**

#### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Tag or label shall be securely sewed on outside of article and shall be of muslin or linen, not less than 2 by 3 inches in size. The words, "Manufactured of new material," "Manufactured of used material," "Remade of used material," and the name of the material used for filling, shall be in English language and writing or printing shall not be less than  $\frac{1}{8}$ -inch high. **Sec. 70.**

The label on remade or renovated mattresses, quilts and bed comforters shall be a cloth or permanent tag securely fastened to outside of article, with statements thereon in English language. **Sec. 497.**

C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW  
No provision.

#### D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful to use any term or designation likely to mislead in the description of filling material. **Sec. 70.**

Unlawful to remove, deface, or alter the required tag or label. **Sec. 71.**

### VI. EXEMPTIONS

#### A. TO MATERIALS OR FINISHED ARTICLES

Bedding filled exclusively with sterilized feathers is specifically excluded from definition of bedding. (See II.) **Sec. 67.**

Act does not apply to remaking or renovation of bedding by or for the owner thereof, for his own use. **Secs. 67, 497.**

#### B. TO PERSONS

See VI A.

### VII. ADMINISTRATION AND ENFORCEMENT

#### A. INSPECTION; INVESTIGATION

It shall be the duty of the Chief Factory Inspector when he has reason to believe the Act is violated, to make an immediate investigation. **Sec. 73.**

B. LICENSES; FEES; REVOCATION OF LICENSE

No provision.

C. SEIZURE; DESTRUCTION

No provision.

D. OTHER ADMINISTRATIVE POWERS

No provision.

E. ENFORCEMENT PROCEDURE

If, after investigation, the Chief Factory Inspector of Illinois finds the facts warrant it, he shall present said facts to the State's attorney for the proper county who shall thereupon prosecute for the enforcement of the Act. **Sec. 73.**

F. FINE; IMPRISONMENT

Not less than \$25 nor over \$500 fine and/or not over 6 months imprisonment. **Sec. 74.**

For violation of provision relating to remaking or renovating (**Sec. 497**): Not less than \$25 nor over \$100 fine. **Sec. 498.**

The unit for a separate and distinct offense shall be each article made, remade, sold, or delivered contrary to this Act. **Sec. 72.**

## INDIANA

Baldwin's Indiana Statutes, Annotated, 1934; Secs. 8579-8589

### I. DEFINITIONS

"Shoddy" includes material known as shoddy, and made in whole or in part from old or worn clothing, carpets, or other fabric, or material previously used, or other fabric or material from which shoddy is constructed. **Sec. 8579.**

"Mattress" or "comfort," see II.

### II. COVERAGE

1. Mattresses or comforts, including quilted beds or pads, tufted or not tufted, stitched or otherwise finished beds or pads, stuffed with excelsior, cotton, jute, hair, husks, sea moss, bamboo wool, fiber, floss, kapok, felted cotton, felt, shoddy, African fiber, Louisiana tree moss, or other material used for this purpose, sterilized feathers excepted. **Sec. 8586.**

2. Cushions, quilts, or similar articles.

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

Unlawful to make, remake, or renovate mattress or comfort using material which has been used in or has formed part of mattress used in or about public or private hospital or institution for treatment of persons suffering from disease, or for or about a person having infectious or contagious disease; or any material known as shoddy. No articles made in violation of same are to be sold. **Sec. 8579.**

Unlawful to use in whole or in part, in making of mattresses or comforts, any cotton or other materials which have been used for any purpose whatever. **Sec. 8585.**

#### B. PERMITTED IF STERILIZED

No provision.

### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

No provision.

## V. TAGS, LABELS, SEALS

## A. GENERAL LABELING REQUIREMENTS

Unlawful to sell mattress or comfort which does not have plainly and indelibly stamped or printed thereon, or on tag sewed to covering thereof, a statement of kind or kinds of material used in manufacture of filling, giving total weight and percentage of each material used therein, and name and address of manufacturer or vender. When article is made from new material not previously used, label or tag shall state, "Manufactured of new material"; when made from material previously used, known as shoddy, label or tag shall have stamped or printed thereon, the words "Shoddy material." **Secs. 8580, 8581.**

If there is found, upon investigation by authorized official, mattresses, cushions, quilts, or similar articles or materials which have been used in or about hospital or on or about person having an infectious or contagious disease, said articles or materials shall be marked with labels bearing the word, "Contaminated." **Sec. 8579.**

## B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Tag shall be plainly and indelibly printed or stamped in English language, and shall be muslin, linen, or clothlined, not smaller than  $2\frac{1}{2}$  by  $3\frac{1}{2}$  inches in size and securely sewed to covering. **Sec. 8581.**

Where words "Shoddy material" are required, such words shall be in not less than 20-point type. **Sec. 8581.**

The label shall be conspicuously and securely sewed or otherwise attached to each article and placed securely on box, bale, or crate in which packed, shipped, or exposed for sale. **Secs. 8582, 8583.**

Word "Contaminated" which is required on label of insanitary articles and materials, as above stated, shall be in conspicuous letters. **Sec. 8579.**

## C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

If labeled as felt or felted cotton, it is understood that cotton or other material has been carded in layers or sheets by a Garnett or cotton-felting machine. **Sec. 8587.**

## D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful for those dealing in articles covered by the Act to have them in possession, for sale, without the required brand or label; or to remove, conceal or deface the brand or label thereon. **Sec. 8584.**

## VI. EXEMPTIONS

## A. TO MATERIALS OR FINISHED ARTICLES

Mattresses and comforts stuffed with sterilized feathers are specifically excluded from definition of mattresses and comforts. (See II.) **Sec. 8586.**

## B. TO PERSONS

No provision.



## VII. ADMINISTRATION AND ENFORCEMENT

## A. INSPECTION; INVESTIGATION

It is the duty of State Board of Health, or police officer or member of municipal board of health, or other county or town official who has reason to believe the Act is being violated, to investigate factory, shop, warehouse, store, or other place where violation is believed to occur, and may enter building or other place at reasonable time. **Sec. 8579.**

## B. LICENSES; FEES; REVOCATION OF LICENSE

No provision.

## C. SEIZURE; DESTRUCTION

State Board of Health upon finding mattresses, cushions, quilts, or similar articles, or materials used in the manufacture of same, which have been used in or about a hospital or on or about a person having an infectious or contagious disease, may mark same with labels bearing the word, "Condemned" in conspicuous letters, and may order removal or destruction of said materials or articles with or without notice to owner, or may make other order relating thereto as circumstances may require. **Sec. 8579.**

## D. OTHER ADMINISTRATIVE POWERS

No provision.

## E. ENFORCEMENT PROCEDURE

Any peace officer or health officer with reason to believe the Act is being violated shall fully advise prosecuting attorney of the district, who shall, without delay, proceed to enforce the Act. **Sec. 8589.**

Any individual may institute proceedings to enforce this Act and to punish violations of its provisions. **Sec. 8579.**

Upon complaint and presentation of facts to Board of Health by individual, Board must make investigation and, if violation exists, then institute proceedings to prosecute. **Sec. 8579.**

## F. FINE; IMPRISONMENT

Not less than \$20 nor over \$100 fine and/or not less than 3 months nor over 6 months imprisonment. **Sec. 8588.**

# IOWA

Code of Iowa, 1935; Title X, Chap. 160, Secs. 3030-3035, 3041, 3047-3055, 3219-3226

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## I. DEFINITIONS

"Mattress," see II.

"Comfort," see II.

## II. COVERAGE

1. Mattresses, i. e., what is commonly known as bed mattresses, and also any other articles for use as bed pads, consisting of outer covering of cloth, ticking, or other fabric, and stuffed or filled with hair, wool, moss, cotton, excelsior, or any other material. **Sec. 3219.**

2. Comforts, i. e., what is commonly known as bed comforts, and also any other articles for use as bed covers, consisting of an outer covering of cloth, or other fabric, with wool, cotton, or other material between. **Sec. 3219.**

## III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

### A. PROHIBITED

Unlawful knowingly to manufacture, introduce into the State, sell, deliver, or transport a mattress or comfort which is made from infectious, insanitary, or unhealthful material, or any material which has been previously used, except sterilized feathers. **Sec. 3220.**

### B. PERMITTED IF STERILIZED

No provision.

## IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

No provision.

## V. TAGS, LABELS, SEALS

### A. GENERAL LABELING REQUIREMENTS

Every mattress or comfort shall have label giving description of filling materials, with name and address of maker. **Sec. 3221.**

A remade article shall be labeled in the same manner as new articles except that it shall bear words "remade from used material" in lieu of words "Manufactured of new material." **Sec. 3226.**

Factory number assigned by State Department of Agriculture shall show on label. **Sec. 3223.**

B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Labels shall be attached on outside, (sewing of one edge securely to article is sufficient) and shall be cloth or cloth lined, not less than 2 by 3 inches in size. Statements thereon shall be legibly written or printed in English language, in letters not less than  $\frac{1}{8}$ -inch high. **Sec. 3221.**

Form of the label shall be substantially the following:

Manufactured of New Material -----

(Here describe kind and character of filling)

This article is made in compliance with Chapter 160 of  
the Code of Iowa.

(Here state manufacturer's name and address)

Factory No. -----

—**Sec. 3222.**

C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Labels shall not bear representations of any kind which are deceptive as to true character of the article or place of its production, or which have been carelessly printed or marked, nor shall any person erase or deface any label required herein. **Sec. 3041.**

VI. EXEMPTIONS

A. TO MATERIALS OR FINISHED ARTICLES

Act is not to apply to articles made for individual or family use, nor to remaking of articles not thereafter to be sold. **Sec. 3226.**

Articles which do not comply with Act may be specifically set apart in a person's stock, for sale in other States. **Sec. 3054.**

Sterilized feathers are exempt from restrictions as to certain materials in mattresses and comforts. (See III A.) **Sec. 3220.**

B. TO PERSONS

None of penalties provided for are to be applicable to common carriers for introducing into the State, or having in possession, an improperly labeled article, if article was received by carrier for transportation in ordinary course of business and without actual knowledge of its true character. **Sec. 3049.**

VII. ADMINISTRATION AND ENFORCEMENT

A. INSPECTION; INVESTIGATION

Factories which make mattresses and comforts are to be inspected at least annually. **Sec. 3224.**

State Department of Agriculture shall, for purpose of examination or analysis, procure from time to time, or whenever said Department has occasion to believe any of provisions herein are being violated, samples of mattresses and comforts which have been shipped into this State or sold in the State. **Sec. 3031.**

Department shall have full access to all places, factories, buildings, stands, or premises, and to all wagons, auto trucks, vehicles, or cars



used in the preparation, production, distribution, transportation, or sale of mattresses or comforts. **Sec. 3032.**

Upon request and tender of the selling price by the Department any person who prepares, manufactures, sells, or delivers to a purchaser a mattress or comfort, shall furnish within business hours, a sample of the same, sufficient in quantity for a proper analysis or examination as shall be provided by Department's rules. **Sec. 3033.**

Department may, without owner's consent, examine or open any package containing or believed to contain any mattress or comfort which it suspects may be manufactured or sold in violation of provisions herein, in order to secure a sample for analysis or examination, and said sample and damage to container shall be paid for at current market price, out of Department's contingent fund. **Sec. 3034.**

After sample is taken it shall be carefully sealed with Department's seal, and labeled with name or brand of article, name of party from whose stock it was taken, and date and place of taking the sample. Upon request, a duplicate sample, sealed and labeled in the same manner, shall be delivered to person from whose stock the sample was taken. Label and duplicate shall be signed by person taking the same. Method of taking samples may be prescribed by Department's rules. **Sec. 3035.**

#### B. LICENSES; FEES; REVOCATION OF LICENSE

Fee to be paid by factory owner for inspection is \$10 for each inspection, but not to exceed \$20 any one year. (For registration provision, see VII D.) **Sec. 3224.**

#### C. SEIZURE; DESTRUCTION

No provision.

#### D. OTHER ADMINISTRATIVE POWERS

State Department of Agriculture is to assign a factory number to each manufacturer of mattresses and comforts, who must register with said Department. **Sec. 3223.**

Department is to execute and enforce the Act; make and publish all rules, not inconsistent with law, necessary for enforcement; provide such educational measures and exhibits, and conduct such educational campaign as are deemed advisable in fostering and promoting production and sale of articles dealt with in Title X (which includes mattresses and comforts); issue from time to time bulletins showing results of inspections, analyses, and prosecutions under Title X. These bulletins shall be printed in such numbers as may be approved by State Printing Board and shall be distributed to newspapers of the State and to all interested persons. **Sec. 3030.**

In enforcing provisions herein, Department shall have power to issue subpoenas for witnesses, enforce their attendance, and examine them under oath. Such witnesses shall be allowed the same fees as witnesses in justice of the peace courts. Said fees shall be paid out of Department's contingent fund. **Sec. 3036.**

Every manufacturer or dealer in mattresses or comforts shall make, upon blanks furnished by Department, such reports and furnish such statistics as may be required by said Department, and certify to correctness thereof. **Sec. 3055.**



## E. ENFORCEMENT PROCEDURE

In criminal proceedings, an information or indictment may charge as many offenses as it appears have been committed, and defendant may be convicted of any or all said offenses. **Sec. 3048.**

When it appears that any provisions herein have been violated, State Department of Agriculture shall at once certify the facts to the proper county attorney, with a copy of results of any analysis, examination or inspection said Department may have made, duly authenticated by proper person, under oath, and with any additional evidence which may be in Department's possession. County attorney may at once institute proper proceedings for enforcement of penalties provided herein; and if he refuses to act, the governor may appoint an attorney to represent the State. **Secs. 3050-3052.**

When it appears that any of provisions herein have been violated, the inspector having the investigation in charge shall, when instructed by the Department, file an information against the suspected party. **Sec. 3053.**

The finding of any infectious, insanitary, unhealthful, or second-hand material in that part of any factory devoted to the manufacture of any mattress or comfort shall be prima facie evidence that such material has been and is being used in violation of Sections 3219-3226. **Sec. 3225.**

## F. FINE; IMPRISONMENT

Violation of law or rule of State Department of Agriculture: not less than \$10 nor over \$100 fine, or 30 days imprisonment. **Sec. 3047.**

On a third conviction for same offense, violator may be restrained by injunction from operating the place of business. **Sec. 3047.**

# KANSAS

General Statutes of Kansas, Annotated, 1935; Chap. 65, Secs. 65-801 to 65-809

## I. DEFINITIONS

"Bedding," see II.

## II. COVERAGE

Bedding, i. e., any mattresses, upholstered springs, comforters, pads, cushions, or pillows designed and made for use in sleeping or reclining, except where filling consists exclusively of sterilized feathers. **Sec. 65-801.**

## III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

### A. PROHIBITED

Unlawful to make or remake bedding using material that has been used by or about any person having infectious or contagious disease, or formed a part of bedding so used or to sell or deliver bedding so made, remade, or renovated. **Secs. 65-802, 65-804.**

### B. PERMITTED IF STERILIZED

Unlawful to use in making or remaking bedding, material known as shoddy composed in whole or in part of old or worn clothing, carpets, or other fabric or material previously used, or from which shoddy is constructed; or material not otherwise prohibited by the Act, of which prior use has been made; unless such material is thoroughly sterilized by process approved by State Board of Health. Nor shall article made, remade, or renovated in violation of above be sold or delivered. **Secs. 65-803, 65-804.**

## IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

### A. PROHIBITED

No provision.

### B. PERMITTED IF STERILIZED

Unlawful to sell or deliver article which has been previously used, unless it is first thoroughly sterilized and disinfected by process approved by State Board of Health. **Sec. 65-805.**

## V. TAGS, LABELS, SEALS

### A. GENERAL LABELING REQUIREMENTS

Unlawful to sell bedding unless labeled with description of material used as filling, and if all material used as filling has not been previously used, words "Manufactured of new material" shall appear on label

together with name and address of maker or vendor. If any material used in making or remaking has been previously used, words "Manufactured of previously used material" or "Remade of previously used material," as case may be, shall appear on label, together with name and address of maker and vendor, and description of material used in filling. Where article has not been remade, but has been previously used, words, "Second-hand," "Materials used in filling not known," shall appear with name and address of vendor. Label shall state that article is made in compliance with an Act of the State and may also state that other State laws are complied with. **Sec. 806.**

B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Label or tag shall be securely sewed on outside of article (one edge of tag sewed into outside seam of article is sufficient) and shall be of muslin or linen, not less than 2 by 3 inches in size, with statements in English language, legibly written or printed in following form:

OFFICIAL STATEMENT

Manufactured of new (or second-hand) material.

Materials used in filling-----

-----

Made by-----

Vendor-----

Address-----

This article is made in compliance with an act of the State

of Kansas. Approved the \_\_\_\_ day of -----19-----.

The words "Manufactured of new material" or "Manufactured of previously used material," or "Remade of previously used material," or "Second-hand," "Materials used in filling not known," and descriptions of material used as filling shall be in letters not less than 1/8-inch high. **Sec. 65-806.**

C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

If labeled as "felt," "felted cotton," or "cotton felt," it is understood to mean that the cotton or material has all been carded in layers or sheets by a Garnett or cotton-felting machine. **Sec. 65-806.**

D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

No term or description likely to mislead shall be used on tag or label required by the Act, in the description of filling material. **Sec. 65-806.**

No one except purchaser for his own use shall remove, deface, or alter the label or tag required by the Act. **Sec. 65-807.**

## VI. EXEMPTIONS

## A. TO MATERIALS OR FINISHED ARTICLES

Provisions of Act not to apply to persons making or remaking mattress for their individual or family use. **Sec. 65-803.**

Bedding filled with sterilized feathers is specifically excluded from definition of bedding. (See II.) **Sec. 65-801.**

## B. TO PERSONS

Retail dealers are not liable for violation of prohibitions as to sale of used articles of bedding which have not been sterilized, and bedding containing infected or unsterilized material—provided the mattresses sold by said retail dealers are properly labeled as required by the Act, and said dealers are unaware of any false labeling. (See also V A.) **Sec. 65-805.**

## VII. ADMINISTRATION AND ENFORCEMENT

## A. INSPECTION; INVESTIGATION

No provision.

## B. LICENSES; FEES; REVOCATION OF LICENSE

No provision.

## C. SEIZURE; DESTRUCTION

No provision.

## D. OTHER ADMINISTRATIVE POWERS

No provision.

## E. ENFORCEMENT PROCEDURE

No provision.

## F. FINE; IMPRISONMENT

Not less than \$25 nor over \$500 fine and/or 6 months imprisonment. **Sec. 65-809.**

The unit for a separate and distinct offense shall be each article of bedding made, remade, renovated, sold, or delivered contrary to this Act. **Sec. 65-808.**



## KENTUCKY

Carroll's Kentucky Statutes, Annotated, Baldwin's 1936 Revision; Chap. 63,  
Secs. 2062d-1 to 2062d-7, 2062d-9

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### I. DEFINITIONS

"Mattress," see II.

### II. COVERAGE

Mattresses, i. e., any mattresses, mattress pads, or cushions, stuffed or filled with cotton, wool, hair, upholstered spring, or other soft material, to be used on couches or other beds for sleeping or reclining purposes. **Sec. 2062d-1.**

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND, CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

No provision.

#### B. PERMITTED IF STERILIZED

Unlawful to use in the making, remaking, or renovating of any mattress, any material of any kind that has been used in or has formed a part of any mattress used in or about any public or private hospital, or institution for the treatment of persons suffering from disease, or for or about any person having any infectious or contagious disease; or to use any material, not otherwise prohibited in this Act, of which prior use has been made; unless any and all of said materials have been thoroughly sterilized, and disinfected by a reasonable process, approved by the board of health of the city or town where said mattress is made, remade, or renovated. **Sec. 2062d-2.**

### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

No provision.

### V. TAGS, LABELS, SEALS

#### A. GENERAL LABELING REQUIREMENTS

Mattress manufactured or offered for sale shall have label or tag setting forth the material used as the filling of such mattress; if all the material used in manufacture of same has not been previously used, the words "Manufactured of new material" shall appear on

label or tag together with name and address of maker thereof. **Sec. 2062d-3.**

Mattress made from material of which prior use has been made shall have stamped or printed on the tag, the words "Second-hand material." **Sec. 2062d-4.**

#### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

There shall be securely sewed on outside of mattress, a muslin, paper, or linen label or tag; statements to be written or printed in English language. **Sec. 2062d-3.**

Words required on the tag for mattress made from material of which prior use has been made ("Second-hand material") shall be stamped or printed in type not smaller than 20-point. **Sec. 2062d-4.**

#### C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

If labeled as felt or felted cotton, it is understood that the cotton or material has all been carded in layers or sheets by a Garnett or cotton-felting machine. **Sec. 2062d-5.**

#### D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful to use on the tag or label, any term or designation likely to mislead, in the description of the filling materials. **Sec. 2062d-6.**

Unlawful to remove, deface, or alter any mark or statement placed upon any mattress under provisions of the Act. **Sec. 2062d-6.**

Unlawful, except for purchaser at retail, to remove or efface any marking upon any article or receptacle or any tag attached thereto, under provisions of the Act. **Sec. 2062d-6.**

### VI. EXEMPTIONS

No provision.

### VII. ADMINISTRATION AND ENFORCEMENT

#### A. INSPECTION; INVESTIGATION

Sec VII E.

#### B. LICENSES; FEES; REVOCATION OF LICENSE

No provision.

#### C. SEIZURE; DESTRUCTION

No provision.

#### D. OTHER ADMINISTRATIVE POWERS

No provision.

#### E. ENFORCEMENT PROCEDURE

It is duty of police officer or member of municipal board of health, or other city or town official, who has reason to believe Act has been violated to give notice thereof to State Department of Health. **Sec. 2062d-7.**

Any individual who has reason to believe Act has been violated may present relevant facts to Board of Health or any of its deputies; in which case it is duty of said Board to make an investigation of such facts, as of its own initiative. If Board is of opinion that the Act has been violated, it shall prosecute. Any individual may institute proceedings to enforce the Act and to punish violations of its provisions. **Sec. 2062d-7.**

F. FINE; IMPRISONMENT

Not less than \$20 nor over \$100 fine and/or not less than 3 months nor over 6 months imprisonment. **Sec. 2062d-9.**

## LOUISIANA

Louisiana General Statutes, Annotated, Dart's, 1939; Vol. 2, Secs. 3485-3488

### I. DEFINITIONS

No provision.

### II. COVERAGE

Mattresses, quilts, pillows, and bed comforters.

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

Unlawful to use in whole or in part, in making of any mattresses, quilts, pillows, or bed comforters, any second-hand cotton, cotton felt, hair, wool, shoddy, feathers, excelsior, or moss or any other soft material, which has been made second-hand by use about the person, or to sell or deliver any such article so made. **Sec. 3485.**

#### B. PERMITTED IF STERILIZED

All materials used for filling in the remaking or renovating of mattresses, quilts, pillows, or bed comforters together with the cover thereof, shall be first sterilized. Said sterilizing shall not be performed in place where new mattresses, quilts, pillows, and comforters are manufactured. **Sec. 3487.**

### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

No provision.

### V. TAGS, LABELS, SEALS

#### A. GENERAL LABELING REQUIREMENTS

Unlawful to sell or deliver mattress, quilt, pillow, or bed comforter which does not have a tag setting forth the kind of material used for the filling, and proportion of each kind of material if more than one kind is used, together with name of manufacturer or vendor. **Sec. 3486.**

Remade or renovated mattresses, quilts, pillows, or bed comforters required to have tag containing statement setting forth that the article has been renovated or remade, and that contents and covering have been sterilized, and name and address of the one by whom



sterilizing, remaking, or renovating has been performed, that<sup>4</sup> said sterilizing cannot be done in place where new mattresses, quilts, pillows, and comforters are manufactured. **Sec. 3487.**

B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Statements on label shall be plainly written or printed in English language on a cloth or permanent tag, securely fastened to outside covering of the article. **Secs. 3486, 3487.**

C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

No provision.

VI. EXEMPTIONS

No provision.

VII. ADMINISTRATION AND ENFORCEMENT

A. INSPECTION; INVESTIGATION

No provision.

B. LICENSES; FEES; REVOCATION OF LICENSE

No provision.

C. SEIZURE; DESTRUCTION

No provision.

D. OTHER ADMINISTRATIVE POWERS

No provision.

E. ENFORCEMENT PROCEDURE

No provision.

F. FINE; IMPRISONMENT

Not less than \$25 nor over \$100 fine and/or not over 3 months imprisonment. **Sec. 3488.**

<sup>4</sup> The legislative intention may have been to make this read "Provided that," rather than "that." However, both the session-law and the code read "that," thus apparently requiring the label to state that sterilizing cannot be done in places where new articles are manufactured.

# MAINE

Laws of Maine, 1933; Chap. 1, Secs. 5, 8, 55-59

## I. DEFINITIONS

No provision.

## II. COVERAGE

Mattresses, filling material of which has been previously used.

## III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

### A. PROHIBITED

No provision.

### B. PERMITTED IF STERILIZED

Unlawful to manufacture for sale, sell or deliver, mattress which, in the making or remaking has been filled with any material of which prior use has been made, unless since last used such material has been thoroughly sterilized and disinfected by a reasonable process approved by Department of Health and Welfare. **Sec. 55.**

## IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

No provision.

## V. TAGS, LABELS, SEALS

### A. GENERAL LABELING REQUIREMENTS

Mattress which is made or remade with previously used material shall be labeled with tag bearing statement that material used is second-hand in part or in whole, as case may be, and that it has been disinfected or sterilized according to law. **Sec. 55.**

### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Tag shall be a substantial cloth tag securely attached to mattress the statements on which shall be plainly and indelibly stamped or printed in English language. **Sec. 55.**

### C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

### D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful to make any false statement on tag required by the Act, or to remove, alter, or deface such tag. **Sec. 57.**

## VI. EXEMPTIONS

## A. TO MATERIALS OR FINISHED ARTICLES

Mattresses being made, remade, or renovated, but not intended for sale, are exempt from operation of Act. **Sec. 59.**

## B. TO PERSONS

Executors and administrators of estates of decedents are excepted from operation of Act. (See also VII A.)

## VII. ADMINISTRATION AND ENFORCEMENT

## A. INSPECTION; INVESTIGATION

All places where mattresses are made, remade, or offered for sale or where sterilizing or disinfecting is performed under this Act, are subject to inspection by Commissioner of Health and Welfare and his agents, including local health officers. **Sec. 56.**

## B. LICENSES; FEES; REVOCATION OF LICENSE

No provision.

## C. SEIZURE; DESTRUCTION

Commissioner of Health and Welfare, his agents, local health officers, and officers qualified to serve criminal or civil processes, may seize and hold for evidence at a trial for violation of the Act, any mattress made, remade, or offered for sale in violation of the Act. **Sec. 56.**

## D. OTHER ADMINISTRATIVE POWERS

The Advisory Council of Health and Welfare shall have power to make rules and regulations deemed necessary to carry out the intent of this Act. Said rules and regulations shall be published in the manner as the Department of Public Health and Welfare shall direct. **Secs. 5, 8.**

## E. ENFORCEMENT PROCEDURE

No provision.

## F. FINE; IMPRISONMENT

Not less than \$10 nor over \$50 fine. **Sec. 58.**

## MARYLAND

1935 Supplement to the Annotated Code of Maryland; Article 43, Sec. 64

### I. DEFINITIONS

"New" means any material or article which has not been previously manufactured or used for any purpose. **Sec. 64 (A).**

"Second-hand" means any material or article of which prior use has been made. **Sec. 64 (A).**

"Shoddy" means any material which has been spun into yarn, knit, or woven into fabric, and subsequently cut up, torn up, broken up, or ground up. **Sec. 64 (A).**

"Mattress," see II.

"Pillow," "bolster," "cushion," or "feather bed," see II.

"Upholstered furniture," see II.

"Comfortable," see II.

### II. COVERAGE

1. Mattresses, i.e., any quilted pads, mattresses, mattress pads, mattress protectors, bunk quilts, or box springs, stuffed or filled with excelsior, straw, hay, grass, corn husks, or other soft material to be used on couches or other beds for sleeping or reclining purposes. **Sec. 64 (A).**

2. Pillows, bolsters, cushions, or feather beds, i.e., any bags, cases, or coverings made of cotton, leather, or other textile material, and stuffed or filled with excelsior, straw, hay, grass, corn husks, moss fiber, cotton, wool, hair, jute, feathers, feather down, kapok, or other soft material, to be used on beds, hammocks, chairs, couches, divans, sofas, lounges, or other articles of upholstered furniture for sleeping, reclining, or resting purposes. **Sec. 64 (A).**

3. Upholstered furniture, i. e., any articles of furniture stuffed or filled with excelsior, straw, hay, jute, feathers, feather down, kapok, or other soft material to be used for sitting, resting, or reclining purposes. **Sec. 64 (A).**

4. Comfortables, i.e., any covers, quilts, or quilted articles made of cotton or other textile material, and stuffed or filled with fibre, cotton, wool, hair, jute, feathers, feather down, kapok, or other soft material. **Sec. 64 (A).**

### III. RESTRICTION ON USE OF SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

No provision.

#### B. PERMITTED IF STERILIZED

Unlawful to use in making, remaking, or renovating articles covered by the Act: (a) Material known as shoddy, or any fabric or material



of which shoddy is constructed; (b) any second-hand material; (c) new or second-hand feathers or feather-down, unless such materials have been sterilized and disinfected by reasonable process approved by Director of Health. **Sec. 64 (A).**

Unlawful to manufacture, sell, or deliver any article covered by the Act which is filled with material that has had prior use of any kind unless since last used it has been sterilized and disinfected by process approved by Director of Health. (See also VII A.) **Sec. 64 (E).**

#### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

##### A. PROHIBITED

No provision.

##### B. PERMITTED IF STERILIZED

Unlawful to sell or deliver second-hand article covered by the Act unless since last used it has been sterilized and disinfected by process approved by Director of Health. (See also VII A.) **Sec. 64 (E).**

#### V. TAGS, LABELS, SEALS

##### A. GENERAL LABELING REQUIREMENTS

Articles covered by the Act, except feather or down-filled pillow, bolster, cushion, bed, or comfortable, or any second-hand article of upholstered furniture, shall bear securely attached and visible on the outside covering a tag showing: (a) Kind of materials used in filling and whether they are wholly new or second-hand or partly second-hand; (b) the word "Second-hand" on any article of which prior use has been made; (c) number of permit issued for sterilizing and disinfection. **Sec. 64 (F).**

Pillows or other articles covered by Act in which feathers or down is used shall show on like tag: (a) That feathers or down has been sterilized and disinfected in accordance with this Act; (b) number of sterilizing and disinfecting permit; and (c) if article had prior use, the word "Second-hand." **Sec. 64 (F).**

No additional information shall appear on tag, except that when upholstered furniture made of more than one movable cushion, mattress, or pillow covered by the Act, the required tag may be attached to body of such furniture, in which case tag shall show filling material of cushions, pillows, or mattresses as well as that used in body. **Sec. 64 (F).**

Adhesive stamps bearing registry number of applicant therefor and replica of State seal and other administratively required matter shall be attached to tag. **Sec. 64 (H).**

##### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Articles covered by the Act shall have securely attached thereto a substantial cloth tag, statements on which shall be plainly and indelibly stamped or printed in English language. Statement of materials used in filling shall be in plain type not less than  $\frac{1}{8}$ -inch high, and tag shall be not less than 6 square inches in size. **Sec. 64 (F), (G).**

## C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

Unlawful to use, exclusively, word "felt" or words of like import, if other than garnetted materials are used in filling; or words "curled hair", or words of similar import, if other than curled hair is used in filling. **Sec. 64 (G).**

## D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful to make false, untrue, or misleading statement or designation on tag, or to remove, deface, or alter tag or adhesive stamp thereon. **Sec. 64 (G).**

Unlawful to imitate, counterfeit, sell, or have in possession any adhesive stamp which is imitation or counterfeit of those required by Act. **Sec. 64 (G).**

## VI. EXEMPTIONS

## A. TO MATERIALS OR FINISHED ARTICLES

The Act shall not apply to remaking, reupholstering, possession, sterilizing, disinfecting, tagging, or sale of article of upholstered furniture of which prior use has been made, or to a new article of upholstered furniture manufactured prior to June 1, 1931. **Sec. 64 (F).**

## B. TO PERSONS

Person engaged in making, remaking, or renovating need not necessarily do the required sterilizing and disinfecting himself, but may have it performed by another person who is licensed, provided the number of the sterilizing permit appears on tag attached to article. **Sec. 64 (C).**

## VII. ADMINISTRATION AND ENFORCEMENT

## A. INSPECTION; INVESTIGATION

Those making, remaking, renovating articles covered by the Act in which second-hand material, feathers, down, shoddy, or fabric or material of which shoddy is constructed is used, or those sterilizing or disinfecting such articles or materials therefor, shall submit to the Director of Health for approval, a reasonable and effective process, with duplicate plans of apparatus or auxiliary devices, for sterilization and disinfection of the articles and material herein enumerated. A numbered permit shall be issued applicant upon approval of above said process and shall be conspicuously posted in office or place of business. **Sec. 64 (C).**

Places where articles covered by the Act are made, remade, or renovated, or where materials for same are prepared, or where the articles are held for sale or delivery or where sterilized and disinfected, are subject to inspection by Director of Health to ascertain whether the herein enumerated materials or articles conform to Act. **Sec. 64 (D).**

Said Director may determine the propriety of issuing the permit to a nonresident applicant by examination of the product or by other means as he deems necessary before grant or renewal of permit.

If physical examination of nonresident's plant is deemed necessary, then traveling expenses of such trip shall be borne by said nonresident. **Sec. 64 (I).**

#### B. LICENSES; FEES; REVOCATION OF LICENSE

Annual fee of \$50 is charged for sterilizing permit, which is granted after approval of apparatus and auxiliary equipment. **Sec. 64 (C).**

A charge of \$10 for 1,000 of the required adhesive stamps is made, which constitutes an inspection charge for enforcement of the Act. **Sec. 64 (H).**

All moneys collected under the Act shall be placed in a "Bedding Fund" for administration of the Act. **Sec. 64 (H).**

Adhesive stamps of another State, of the same value, shall be accepted if requirements as to quality and inspection of materials and articles are substantially equal to this State and if stamps of this State are accepted by such other State. **Sec. 64 (k).**

Any permit issued under this Act may be revoked if the Act or rules and regulations promulgated thereunder are violated. [**Sec. 64 (k).**]

#### C. SEIZURE; DESTRUCTION

Department of Health may take for evidence at trial involving violation of the Act, any article in violation of same. **Sec. 64 (J).**

#### D. OTHER ADMINISTRATIVE POWERS

State Board of Health may make and enforce reasonable rules and regulations for enforcement of the Act. **Sec. 64 (J).**

#### E. ENFORCEMENT PROCEDURE

No provision.

#### F. FINE; IMPRISONMENT

Not less than \$10 nor over \$50 fine; in default of which, not less than 10 days imprisonment for each separate offense, provided the aggregate shall not extend over 6 months at any one time. **Sec. 64 (k).**

Each article herein enumerated, made, remade, renovated, sold, or delivered contrary to the Act shall constitute a separate offense. **Sec. 64 (k).**

Each imitated or counterfeited adhesive stamp made, used, sold, or delivered contrary to the Act shall constitute a separate offense. **Sec. 64 (k).**



## MASSACHUSETTS

Annotated Laws of Massachusetts, 1932, Vol. 3, Chap. 94, and 1938 Cumulative Supplement—Secs. 1, 270–277; and Advance Sheets of Acts and Resolves, 1939, Chaps. 196 and 351. References below are to the 1932 edition as amended by the 1938 Supplement, except where otherwise indicated

### I. DEFINITIONS

“New” means any material which has not been used as a part or portion of another manufactured article or used for any other purpose. **Sec. 1.**

“Previously used,” “previously been used,” or “been used before,” when used with respect to material in Sec. 270, 270C and 272 means any material which has been used as a part or portion of another manufactured article or used for any other purpose. **Advance Sheets, 1939, Chap. 196, Sec. 1.**

“Article of bedding,” see II.

“Article of upholstered furniture,” see II.

### II. COVERAGE

1. Articles of bedding, i. e., any mattresses, upholstered springs, pillows, comforters, cushions, muff beds, quilts, or similar articles designed for use of persons when sleeping. **Sec. 1.**

2. Articles of upholstered furniture, i. e., chairs, sofas, and all furniture in which upholstery or so-called filling or stuffing is used whether attached or not. **Sec. 1.**

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIAL

#### A. PROHIBITED

Unlawful to use in manufacture of articles of bedding or articles of upholstered furniture for the purpose of sale, or to sell, or use in re-making or renovating such articles, material which has previously been used in or about hospital or on or about a person having infectious or contagious disease, or to sell such article containing material which has previously been so used. **Sec. 271.**

#### B. PERMITTED IF STERILIZED

Unlawful to use in manufacture of article of bedding or article of upholstered furniture, filling material which has been previously in actual use as a part of a manufactured article or any feathers or down unless such material, feathers or down has been sterilized in accordance with rules and regulations of Department of Health. **Sec. 270 B.**



#### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

No provision.

#### V. TAGS, LABELS, SEALS

##### A. GENERAL LABELING REQUIREMENTS

Unlawful to manufacture for sale or sell articles of bedding or articles of upholstered furniture unless there is plainly marked on article or on tag attached thereto, a statement in English showing kind of material used in filling; name of manufacturer or vendor; if material has previously been used, words "Second-hand." If article is in bale, box, crate, or other receptacle, such receptacle shall be marked with statement or have tag securely attached bearing statement that contents are marked as required by the law. **Sec. 270.**

Renovated or remade mattresses shall bear tag with word "Remade" and statement of kind of material used for filling. **Sec. 270.**

If none of filling material has been previously used tag shall bear words, "Manufactured of new material." Article of upholstered furniture filled with material known as garnetted clippings need not be marked "Second-hand" and may be marked "Manufactured of new material," if such clippings are composed wholly of materials produced in manufacture of other articles and has never otherwise been in actual use. **Sec. 270.**

If what is known as "sweeps" or "sweepings" is used in filling article of bedding, material shall be named "mill sweepings" on tag. If material known as "oily sweeps" or "oily mill sweepings" is used in filling article of bedding, such material shall be named "oily mill sweepings" on tag. **Sec. 270.**

Those engaged in business of selling filling materials shall not ship container of filling material without attached tag showing contents and name of vendor, and, if material has been used before, the words "Second-hand." **Sec. 272.**

Department of Public Health shall label articles and materials covered by the Act which are found to have been used by or about person having infectious or contagious disease or in or about hospital, with word "Unclean," in conspicuous letters. **Sec. 273.**

Unlawful to manufacture for sale or sell article of bedding consisting wholly or partly of metal which has previously been used, or any upholstered spring bed, box spring, studio couch, davenport, day bed, bed spring, metal bed, metal folding bed, metal couch, metal cradle, metal bassinet, or similar article designed for the use of persons when sleeping or reclining, consisting wholly or partly of metal which has previously been used, unless such article is plainly and permanently marked or tagged "Second-hand metal used in this article," and unless if any such article is enclosed in a bale box, crate, or other receptacle, there shall be plainly marked upon such receptacle, or upon a tag securely attached thereto, a statement that the contents of such receptacle are marked as herein required. **Advance Sheets, 1939, Chap. 196, Sec. 2 (constituting Sec. 270C of Annotated Laws).**

Unlawful to sell or advertise, any article covered by the Act manufactured without the State, or sold within the State by nonresident wholesaler having no usual place of business in the State, unless the

required tag contains name of manufacturer or wholesaler, serial number of permit granted to him by Department of Public Health, and date of delivery within the State. **Advance Sheets, 1939, Chap. 351 (constituting Sec. 270D of Annotated Laws).**

#### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Tag shall be of durable muslin or linen securely sewed at least by one edge to outside seam of ticking or cover of article of bedding or in case of upholstered furniture, to be of paper or cloth permanently pasted or attached, and in such form as prescribed by Department of Public Health. **Sec. 270.**

#### C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

#### D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

No tag shall bear any misleading term or description. **Sec. 270.**

Unlawful except for purchaser at retail to remove or efface marking or label on article or receptacle, as required by Secs. 270 and 270C. **Sec. 276; and Advance Sheets, 1939, Chap. 196, Sec. 3.**

Unlawful to sell under a representation that it is new material, any second-hand hair, down, feathers, wool, cotton, kapok, or other materials commonly used for filling articles covered by the Act. **Sec. 272.**

### VI. EXEMPTIONS

#### A. TO MATERIALS OR FINISHED ARTICLES

Article of upholstered furniture filled with material known as garnetted clippings need not be marked "Second-hand," and may be marked "Manufactured of new material," if such clippings are composed wholly of material produced in manufacture of other articles and has never otherwise been in actual use. **Sec. 270.**

#### B. TO PERSONS

No provision.

### VII. ADMINISTRATION AND ENFORCEMENT

#### A. INSPECTION; INVESTIGATION

Department of Public Health, when it has reason to believe the Act is being violated, may investigate, and enter at reasonable times, places where articles or material covered by the Act are stored, sold, or kept. **Sec. 273.**

Said Department shall examine establishments upon application for a sterilization license, to ascertain if establishment is in accordance with Department's rules and regulations and properly equipped. **Sec. 270A.**

#### B. LICENSES; FEES; REVOCATION OF LICENSE

License is required for establishment carrying on sterilization of feathers, down, or any material intended for use for filling articles of

bedding or upholstered furniture. Annual license fee of \$50 is to be paid to Department of Public Health. License may be revoked for failure to comply within reasonable time, with orders of Department. **Sec. 270A.**

Nonresident having no usual place of business in the State who manufactures or sells at wholesale articles covered by the Act which may be sold in the State may obtain from Department of Public Health a permit to sell such articles, Department is authorized to renew annually. **Advance Sheets, 1939, Chap. 351 (constituting Sec. 270D of Annotated Laws).**

Fee for every such permit and for each annual renewal thereof shall be \$50. Said Department, after notice by registered mail to the holder of such permit and an opportunity to be heard, may suspend or revoke permit if it appears that holder has violated any provisions of the Act. **Advance Sheets, 1939, Chap. 351 (constituting Sec. 270D of Annotated Laws).**

#### C. SEIZURE; DESTRUCTION

Department of Public Health may order removal and destruction of materials or articles found infected by use in or about hospital or on or about a person having infectious or contagious disease, or make such other order as circumstances require. **Sec. 273.**

#### D. OTHER ADMINISTRATIVE POWERS

Department of Public Health when it deems it necessary for safety of the public health may post a notice or warning of danger of contagion or infection resulting from violation of this Act, on any building or part thereof containing, or from which there were removed, any materials or articles which were used in or about a hospital or on or about a person having infectious or contagious disease, and may continue such notice until same have been cleaned and sterilized. **Sec. 274.**

Said Department may make rules and regulations for the enforcement of requirements as to sterilization establishments; may close a sterilization establishment deemed operating in violation of rules and regulations until it is put in proper condition; and may suspend license if required changes are not made within a reasonable time. **Sec. 270A.**

#### E. ENFORCEMENT PROCEDURE

No provision.

#### F. FINE; IMPRISONMENT

Violations of Secs. 270, 271, 272 (labeling requirements; restrictions on use and sale of contaminated material): Not over \$500 fine and/or not over 6 months imprisonment. **Secs. 272, 277.**

Violation of Sec. 273 (obstructing officer in his duty): Not over \$50 fine for first offense, and not over \$100 fine for subsequent offenses. **Sec. 273.**

Violation of Sec. 276 (removing or effacing required tag): Not over \$50 fine. **Sec. 276.**

For removing or effacing the Health Department's notice of danger of contagion: Not over \$50 fine. **Sec. 274.**

Violation of Sec. 270B (use of unsterilized second-hand material): Not over \$200 fine and/or 1 month imprisonment. **Sec. 270B.**

Violation of Sec. 270 (regulations as to sterilization establishments): Not less than \$25 nor over \$100 for first offense, and not less than \$50 nor over \$300 fine for subsequent offense. **Sec. 270A.**

Violation of Chap. 196, Sec. 2 Advance Sheets, 1939 (labeling where second-hand metal used): Not more than \$200 and/or 6 months imprisonment. **Advance Sheets, 1939, Chap. 196, Sec. 2.**

Violation of Chap. 351, Advance Sheets, 1939 (labeling and licensing regulations as to nonresident manufacturers and wholesalers): Not more than \$100 fine. **Advance Sheets, 1939, Chap. 351 (constituting Sec. 270D of Annotated Laws).**



# MICHIGAN

Michigan Statutes Annotated, 1937; Vol. 13, Secs. 18.381-18.392

## I. DEFINITIONS

"Mattress" or "comfort," see II.

## II. COVERAGE

Mattresses or comforts, including any quilted beds or pads, tufted or not tufted, stitched or otherwise finished beds or pads, stuffed with excelsior, cotton, jute, hair, husks, sea moss, bamboo, wool, fiber, kapok, felted cotton, felt, shoddy, African fiber, Louisiana tree moss, or other material used for this purpose, sterilized feathers excepted. **Sec. 18.388.**

## III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

### A. PROHIBITED

No provision.

### B. PERMITTED IF STERILIZED

Unlawful to use, wholly or partly, in manufacture of mattresses or comforts, any cotton, or other materials which have been used for any purpose whatever, unless same shall have been so cleaned, sterilized, or renovated as to become thoroughly safe and healthful; and it is also unlawful to sell or give away any such mattresses or comforts. **Sec. 18.387.**

## IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

No provision.

## V. TAGS, LABELS, SEALS

### A. GENERAL LABELING REQUIREMENTS

Unlawful to sell or deliver mattresses or comforts which are misbranded or mislabeled within meaning of this Act. **Sec. 18.381.**

Mattresses and comforts shall be branded or labeled as herein provided before being exposed for sale. **Sec. 18.382.**

Brand or label shall contain a statement of materials used in the manufacture of such mattresses or comforts, giving total weight and percentage of each material used in all cotton, felt, wool, kapok, and hair mattresses, and giving percentage of each material used in the case of other types of mattresses. **Sec. 18.383.**

### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

The label shall be in form of a cloth or cloth lined tag, to be sewed or otherwise securely attached to each article and placed securely

upon the bale, box, or crate in which the mattresses and comforts are packed, shipped, or exposed for sale. **Sec. 18.384.**

Brand or label shall be placed outside of, and upon most conspicuous part of, finished article and its box, crate, or covering. **Sec. 18.385.**

Statements on tag or label shall be in plain English lettering. **Sec. 18.383.**

#### C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

If labeled as felt or felted cotton, it is understood that the cotton or material has all been carded in layers or sheets by a Garnett or cotton-felting machine. **Sec. 18.389.**

#### D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Persons dealing in mattresses or comforts are not to remove, conceal, or deface the brand or label thereon. **Sec. 18.386.**

### VI. EXEMPTIONS

#### A. TO MATERIALS OR FINISHED ARTICLES

Articles stuffed with sterilized feathers are specifically excluded from definition of mattresses and comforts. (See II.) **Sec. 18.388.**

#### B. TO PERSONS

No provision.

### VII. ADMINISTRATION AND ENFORCEMENT

#### A. INSPECTION; INVESTIGATION

No provision.

#### B. LICENSES; FEES; REVOCATION OF LICENSE

No provision.

#### C. SEIZURE; DESTRUCTION

No provision.

#### D. OTHER ADMINISTRATIVE POWERS

No provision.

#### E. ENFORCEMENT PROCEDURE

When any peace officer, inspector, health officer, or any other person has reason to believe Act is violated, or that used material has been used again without being so cleaned, sterilized or renovated as to become thoroughly safe and healthful, he shall fully advise prosecuting attorney of the appropriate district and said prosecutor shall without delay proceed to enforce this Act. **Sec. 18.391.**

#### F. FINE; IMPRISONMENT

Not less than \$25 nor over \$500 fine and/or not over 6 months imprisonment. **Sec. 18.390.**

## MINNESOTA

Mason's 1938 Supplement to Mason's Minnesota Statutes, 1927; Secs. 3976-1 to 3976-12

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### I. DEFINITIONS

"New" refers to material that has not previously been used in the manufacture of bedding or of bedding articles or for any other purpose. **Sec. 3976-1.**

"Second-hand" refers to any material or article that has been previously used in the manufacture of bedding or for any other purpose. **Sec. 3976-1.**

"Shoddy" means material spun into yarn, knit, or woven into fabric, and subsequently cut up, torn up, broken up, or ground up. **Sec. 3976-1.**

"Bedding," see II.

### II. COVERAGE

Bedding, i. e., mattresses, upholstered springs, comforters, pads, cushions, or pillows designed and made for use for sleeping or reclining purposes. **Sec 3976-1.**

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

Unlawful to use in making or remaking bedding, material that has been used in a private or public hospital, or that has been used by or about a person having infectious or contagious disease, or which has formed part of article of bedding so used. This section shall not prevent renovating of bedding used in private or public hospital. **Sec. 3976-2.**

#### B. PERMITTED IF STERILIZED

Unlawful to remake or renovate article unless all the material to be used shall first be thoroughly sterilized and disinfected as follows, or by any other approved method:

(a) Dry heat of not less than 160° C. for not less than 1 hour. A thermometer shall be visible from outside of the room.

(b) Live steam, with subsequent drying of material over steam coils with pressure of not less than 20 pounds for 20 minutes. Pressure gage shall be visible from outside of the room. Valved outlets shall be at top and at bottom of room in cases where streaming steam is used.

(c) Formaldehyde and sulfur concurrently in a moist atmosphere for a period of not less than 10 hours. Formaldehyde gas shall be generated from the use of 1 pint of formaldehyde solution, 37 percent



to 1,000 cubic feet of air space, or through the use of any high class commercial fumigators which generate an equivalent quantity of gas. Sulfur shall be from the burning of 3 pounds of sulfur for each 1,000 cubic feet of air space. Moist atmosphere shall be produced by thorough sprinkling of floor with warm water just prior to the disinfection. Room shall have separate air inlet and an exhaust connection and equipped with tight dampers or closure gates which can be worked from outside of room. Rooms shall be gas or steam tight. Shelving for loose bedding materials shall be of lattice or other open construction. Solid shelves of type that prevents passage of gas through materials are not permitted. **Sec. 3976-4.**

Devices and equipment shall be approved by State Industrial Commission, upon written application, and when approved, a numbered permit shall be issued, which shall be posted under glass near sterilizing chamber. Permit shall expire in one year. Person engaged in making or remaking, renovating, or sale of articles requiring sterilization may have another licensed person perform sterilizing process, providing number of permit with date of sterilization is printed on tag or label attached to article, and copy of such is kept by person sterilizing, for reference purposes. **Sec. 3976-5.**

Unlawful to sell or deliver bedding made, remade, or renovated in violation of this Act. **Sec. 3976-7.**

Unlawful to make, sell, or deliver article made of material that has theretofore been used unless same is first cleaned and sterilized. **Sec. 3976-8.**

Feathers used in making, remaking, or renovating new or second-hand bedding shall be thoroughly cured, sterilized, or disinfected. **Sec. 3976-10.**

#### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

##### A. PROHIBITED

Unlawful to sell bedding used in a private or public hospital, or any article of bedding that has been used by or about a person having infectious or contagious disease. **Sec. 3976-3.**

##### B. PERMITTED IF STERILIZED

Unlawful to sell or deliver second-hand bedding unless since last used it has been thoroughly sterilized and disinfected by approved method. **Sec. 3976-7.**

#### V. TAGS, LABELS, SEALS

##### A. GENERAL LABELING REQUIREMENTS

Bedding made of material which has been used as container for, or been in contact with, animal or vegetable matter or material designated as shoddy, must be labeled as such. **Sec. 3976-8.**

Unlawful to make, remake, or sell bedding unless labeled with description of material used as filling. If such material or any portion thereof has not been previously used, words "Manufactured of new material" shall appear, together with name and address of maker or vendor. If any portion of the material has been previously used,



words "Manufactured of second-hand material" or "Remade of second-hand material" as the case may be, shall appear together with the name and address of maker or vendor, and also a description of the filling material. Where article of bedding is not remade, but has been previously used, words "Second-hand materials used in filling not known" shall appear together with the name and address of vendor. Label shall state that article is made in compliance with this Act and may state that bedding complies with other State laws. **Sec. 3976-9.**

When articles of bedding are sterilized by other than owner, the number of the sterilizing permit, with date of sterilization, shall be printed on attached label. **Sec. 3976-5.**

B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Labels shall be securely sewed on outside of article of bedding; in the case of mattresses, pads, upholstered springs, all four edges shall be sewed. Labels shall be of muslin, or linen, not less than 3 by 4½ inches in size. Words "Manufactured of new material" or "Manufactured of second-hand material" or "Second-hand materials used in filling not known" with description of filling material, shall be in English language, not less than ⅛-inch high and in the following form:

OFFICIAL STATEMENT

Materials used in filling-----  
 Made by-----  
 Vendor-----  
 Address-----  
 This article is made in compliance with an act of the  
 State of Minnesota approved the --- day of -----  
 1929.

—Sec. 3976-9.

C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

No term of description likely to mislead shall be used on label. **Sec. 3976-9.**

Unlawful to remove, deface, or alter the required label or tag. **Sec. 3976-9.**

VI. EXEMPTIONS

A. TO MATERIALS OR FINISHED ARTICLES

No provision.

B. TO PERSONS

Persons engaged in making or remaking, renovating, or sale of articles requiring sterilization need not perform sterilization themselves, but may have another person, if licensed, perform same, provided number of permit with date of sterilization is printed on tag attached to article, and a copy of such is kept by person sterilizing, for reference purposes. **Sec. 3976-5.**

## VII. ADMINISTRATION AND ENFORCEMENT

## A. INSPECTION; INVESTIGATION

All places where bedding is made, remade, renovated, or where materials for same are prepared, or held for sale or delivery, are subject to examination by inspector from Industrial Commission, who may open such bedding to examine material used in filling. **Sec. 3976-6.**

## B. LICENSES; FEES; REVOCATION OF LICENSES

All sterilizing and disinfecting devices and equipment must first be approved by Industrial Commission before a numbered permit is issued. Permit shall expire 1 year after date. **Sec. 3976-5.**

## C. SEIZURE; DESTRUCTION

No provision.

## D. OTHER ADMINISTRATIVE POWERS

Statement of filling materials shall conform to rules regulating manufacture and sale of bedding, as approved by Industrial Commission. **Sec. 3976-5.**

## E. ENFORCEMENT PROCEDURE

No provision.

## F. FINE; IMPRISONMENT

Not less than \$25 nor over \$100 fine and/or not less than 30 days nor over 90 days imprisonment. **Sec. 3976-11.**

# MISSOURI

Revised Statutes of Missouri, 1929; Secs. 13300-13311

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## I. DEFINITIONS

"New" refers to material which has not been used in the manufacture of another article or used for any other purpose. **Sec. 13300.**

"Previously used" refers to material which has been previously used in the manufacture of another article or used for any other purpose. **Sec. 13300.**

"Commissioner" means the State Commissioner of Labor and Industrial Inspection. **Sec. 13300.**

"Bedding," see II.

## II. COVERAGE

Bedding, i. e., mattresses, upholstered springs, comforters, pads, cushions, or pillows designed and made for use for sleeping or reclining purposes, except where filling is exclusively of sterilized feathers. **Sec. 13300.**

## III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

### A. PROHIBITED

No provision.

### B. PERMITTED IF STERILIZED

Unlawful to use in the making of bedding (1) material known as "shoddy" and made in whole or part from old or worn clothing, carpets, burlap, or other fabric or material from which shoddy is constructed; (2) material not otherwise prohibited, of which prior use has been made; unless all said materials have been thoroughly sterilized, and disinfected by a reasonable process, approved by the State Board of Health. **Sec. 13301.**

## IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

### A. PROHIBITED

No provision.

### B. PERMITTED IF STERILIZED

Unlawful to sell or deliver article of bedding which has been used, unless same shall first be thoroughly sterilized and disinfected by process approved by State Board of Health. **Sec. 13303.**

## V. TAGS, LABELS, SEALS

## A. GENERAL LABELING REQUIREMENTS

Bedding received for renovation shall have tag attached with legibly written name and address of owner and date of receipt thereon.

**Sec. 13302.**

Unlawful to sell bedding unless bearing a label on which is legibly written or printed in the English language the name of materials used as filling. If all the material has not been previously used, words "Manufactured of new material," shall appear on such label and if any materials used in making or remaking has been previously used, words, "Manufactured of previously used materials," shall appear with description of filling material and, in either case, the name and address of manufacturer or vendor. **Sec. 13304.**

Where article of bedding is not remade, but has been used, words "Second-hand, materials used in filling not known," shall appear together with name and address of vendor. **Sec. 13304.**

If materials other than hair are used in combination with hair, the percentages of hair and such other material shall be stated. **Sec. 13304.**

If cotton linters are used in filling, they shall be specifically designated as "cotton linters"; if "sweeps" or "oily sweepings" are used, they shall be designated as "mill sweepings." **Sec. 13304.**

## B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Labels shall be of cloth and securely sewed on outside of article. Statements shall be legibly written or printed in English language. Words, "Manufactured of new material," "Manufactured of previously used material," or "Second-hand materials used in filling not known," shall be in type not less than  $\frac{1}{8}$ -inch high. Label shall be in the following form:

## OFFICIAL STATEMENT

Manufactured of new material.....  
 Manufactured of previously used material.....  
 Second-hand materials used in filling not known.....  
 Maker or vendor.....  
 Address.....

—**Sec. 13304.**

## C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

When word "felt" is used it shall mean that material has been carded in layers by Garnett or felting machine. Unlawful to use word "floss" or words of like import, if materials are used which are not termed "kapok," or to use word "hair" unless article is manufactured of animal hair. **Sec. 13304.**

## D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful to use on labels, misleading term or designation, or any term or designation likely to mislead. **Sec. 13304.**



## VI. EXEMPTIONS

### A. TO MATERIALS OR FINISHED ARTICLES

Where bedding is made, remade, or renovated for one's own use, permit from Commissioner is not required. **Sec. 13307.**

Articles filled exclusively with sterilized feathers are specifically excluded from definition of "bedding." (See II.) **Sec. 13300.**

### B. TO PERSONS

See VI A.

## VII. ADMINISTRATION AND ENFORCEMENT

### A. INSPECTION; INVESTIGATION

Place where article is made, remade, or renovated, or held for sale or delivery is subject to supervision and inspection of Commissioner. **Sec. 13306.**

### B. LICENSES; FEES; REVOCATION OF LICENSE

When Commissioner is satisfied that factory conforms to sanitary conditions prescribed by him, it is his duty to issue permit with registry number, which shall be posted in conspicuous place in factory or office of holder. **Sec. 13307.**

Except when done for one's own use, the making, remaking, or renovating of bedding is prohibited unless a permit from Commissioner is granted. Fee is \$20 which shall constitute a factory inspection charge for enforcement of the Act. Permit shall be in force for the calendar year or until voided by Commissioner for insanitary conditions. **Sec. 13308.**

Permits may be revoked by Commissioner if holder violates the Act. (See VII E.) **Secs. 13306, 13308.**

### C. SEIZURE; DESTRUCTION

Commissioner is authorized to purchase and hold for evidence at trial, bedding made or sold in violation of Act. **Sec. 13310.**

### D. OTHER ADMINISTRATIVE POWERS

Commissioner and his representatives are charged with administration of Act, and Commissioner may make reasonable rules and regulations for the enforcement of same. **Sec. 13310.**

### E. ENFORCEMENT PROCEDURE

Should Commissioner find bedding being made, remade, renovated, sold, or delivered in other than sanitary condition, he shall give person responsible for such insanitary condition a reasonable length of time, in discretion of Commissioner, but not to exceed 60 days, in which to remedy said insanitary conditions. Failure to remedy said insanitary condition constitutes a violation of Act and Commissioner shall revoke and void the operating permit. It is duty of

Commissioner, when he has reason to believe the Act has been violated, to prosecute or cause prosecution of person violating the Act. **Sec. 13306.**

If Commissioner finds bedding is sold or delivered that is not truthfully or correctly labeled as required, it is his duty to prosecute the violator and upon conviction to revoke the permit and registry number heretofore mentioned. Person whose permit is revoked shall not make, remake, renovate, or sell bedding until another permit is issued to him. **Sec. 13308.**

#### F. FINE; IMPRISONMENT

Not over \$500 fine and/or 6 months imprisonment. **Sec. 13311.**

The unit for a separate and distinct offense shall be each article made, remade, sold or delivered contrary to this Act. **Sec. 13305.**

# MONTANA

Revised Code of Montana, 1935, Annotated; Secs. 2615-2619

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## I. DEFINITIONS

"Shoddy" includes all material made or manufactured of rags, wearing apparel, clothing, rugs, carpets, or blankets. **Sec. 2616.**

## II. COVERAGE

Mattresses, pillows, couches, couch pads, or lounges. **Sec. 2615.**

## III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

### A. PROHIBITED

Unlawful to manufacture or sell what is commonly known as shoddy, or sell or manufacture mattresses, pillows, couches, couch pads, or lounges, wholly or partly containing shoddy. **Sec. 2615.**

### B. PERMITTED IF STERILIZED

No provision.

## IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

No provision.

## V. TAGS, LABELS, SEALS

No provision.

## VI. EXEMPTIONS

No provision.

## VII. ADMINISTRATION AND ENFORCEMENT

### A. INSPECTION; INVESTIGATION

It is duty of all boards and departments of health, health officers, or officials discharging similar duties in State, to enforce the Act. They have power in the performance of their official duties, to enter any store or manufacturing establishment where articles mentioned in the Act are manufactured or are for sale, and make any examination that they deem necessary in order to ascertain whether or not the Act is being violated. **Sec. 2617.**

B. LICENSES; FEES; REVOCATION OF LICENSE

No provision.

C. SEIZURE; DESTRUCTION

No provision.

D. OTHER ADMINISTRATIVE POWERS

No provision.

E. ENFORCEMENT PROCEDURE

It is the duty of the Attorney General and county prosecuting attorneys to prosecute all cases arising under the Act. **Sec. 2618.**

F. FINE; IMPRISONMENT

Not less than \$50 nor over \$500 fine and/or not less than 30 days nor over 6 months imprisonment. **Sec. 2619.**



# NEBRASKA

Compiled Statutes of Nebraska, 1929; Chap. 71, Sec. 2307

## I. DEFINITIONS

"Bedding," see II.

## II. COVERAGE

Bedding, i. e., mattresses, mattress pads, bed comforters, or quilted pads, designed and made for use in sleeping. **Sec. 71-2307.**

## III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

### A. PROHIBITED

No provision.

### B. PERMITTED IF STERILIZED

Unlawful to use in making or remaking bedding, material which has been used by or about a person having an infectious or contagious disease, or formed part of article of bedding which has been so used, unless such material has been disinfected by process approved by Department of Public Welfare. **Sec. 71-2307.**

## IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

### A. PROHIBITED

Unlawful to sell or deliver article of bedding which has been used by or about person having infectious or contagious disease. **Sec. 71-2307.**

### B. PERMITTED IF STERILIZED

No provision.

## V. TAGS, LABELS, SEALS

### A. GENERAL LABELING REQUIREMENTS

Unlawful to sell bedding unless tagged or labeled showing materials used in filling; if all materials have not been previously used, words "Manufactured of new material" shall appear on tag or label; if any material has been previously used, words "Manufactured of used material" or "Remade of used material," as case may be, shall appear, and description of materials used in filling. In each case name and address of maker or his registered factory number shall appear on said tag or label. **Sec. 71-2307.**

Factory number assigned by Department of Public Welfare shall appear on label. **Sec. 71-2307.**

Articles received for renovation shall be tagged at time of receipt with tag upon which is legibly written name and address of owner and date of receipt. **Sec. 71-2307.**

## B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Tag or label shall be of muslin or linen, not less than 2 by 3 inches in size, securely sewed on outside of article, and the writing or printing shall be legible and in the English language. Words "Manufactured of new materials," or "Manufactured of used material," or "Remade of used material," and the description of filling materials shall be not less than  $\frac{1}{8}$ -inch high. **Sec. 71-2307.**

## C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

## D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

In description of filling material on tag or label no term or designation shall be used which is likely to mislead. **Sec. 71-2307.**

Unlawful to remove, deface, or alter tag or label. **Sec. 71-2307.**

## VI. EXEMPTIONS

## A. TO MATERIALS OR FINISHED ARTICLES

Provisions of the Act shall not apply to renovation of mattress by or for owner's own use. However, renovator shall attach tag to renovated bedding at time of receipt, having legibly written thereon name and address of owner and date received for renovation. **Sec. 71-2307.**

## B. TO PERSONS

See VII A.

## VII. ADMINISTRATION AND ENFORCEMENT

## A. INSPECTION; INVESTIGATION

Every factory shall be inspected at least annually. **Sec. 71-2307.**

When Department of Public Welfare has reason to believe Act is violated, it has duty to investigate immediately. **Sec. 71-2307.**

## B. LICENSES; FEES; REVOCATION OF LICENSE

A fee of \$10 shall be charged for each factory inspection, but no owner shall be charged fees that aggregate over \$20 per year. **Sec. 71-2307.**

## C. SEIZURE; DESTRUCTION

No provision.

## D. OTHER ADMINISTRATIVE POWERS

Manufacturer of bedding shall register with Department of Public Welfare and be assigned a factory number by it. **Sec. 71-2307.**

## E. ENFORCEMENT PROCEDURE

Department of Public Welfare to present facts of violation if believed warranted to county attorney, for county in which violation occurred, whose duty it becomes to cause appropriate proceedings to be begun for prosecution of enforcement. **Sec. 71-2307.**

## F. FINE; IMPRISONMENT

Not less than \$25 nor over \$500 fine and/or not over 6 months imprisonment. **Sec. 71-2307.**

The unit for a separate and distinct offense shall be each article made, remade, sold, or delivered contrary to this Act. **Sec. 71-2307.**

## NEVADA

1938 Pocket Supplement to Nevada Compiled Laws, 1929; Secs. 5314.01-5314.06

### I. DEFINITIONS

No provision.

### II. COVERAGE

Mattresses, bed coverings, sheets, pillows, and other similar bedding used for sleeping purposes. **Sec. 5314.01.**

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

No provision.

#### B. PERMITTED IF STERILIZED

Sec IV B.

### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

#### A. PROHIBITED

No provision.

#### B. PERMITTED IF STERILIZED

Unlawful for those engaged in business of manufacturing, making, renovating, and selling articles covered by the Act, used for sleeping purposes, to dispose of, directly or indirectly, any of such articles which are used or second-hand, without first having the same thoroughly sterilized, and labeled as provided herein. **Sec. 5314.01.**

### V. TAGS, LABELS, SEALS

#### A. GENERAL LABELING REQUIREMENTS

Those engaged in manufacturing, making, renovating, and selling mattresses, bed coverings, sheets, pillows, and similar bedding, required to label such bedding when used or second-hand, with tag marked "Sterilized, second-hand," and containing name of manufacturer, renovator, or dealer. **Sec. 5341.01.**

#### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Articles covered by the Act are required to be securely labeled, with tag sewed on article. **Sec. 5314.01.**



C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

No provision.

VI. EXEMPTIONS

No provision.

VII. ADMINISTRATION AND ENFORCEMENT

In general: Enforcement of Act is under Department of Weights and Measures. **Sec. 5314.03.**

A. INSPECTION; INVESTIGATION

No provision.

B. LICENSES; FEES; REVOCATION OF LICENSE

No provision.

C. SEIZURE; DESTRUCTION

No provision.

D. OTHER ADMINISTRATIVE POWERS

It is the duty of State Board of Health to prescribe rules, regulations, method and process of sterilization. **Sec. 5314.02.**

E. ENFORCEMENT PROCEDURE

No provision.

F. FINE; IMPRISONMENT

Not over \$500 fine and/or not over 6 months imprisonment. **Sec. 5314.04.**

## NEW HAMPSHIRE

Public Laws of New Hampshire, 1926; Chap. 162, Secs. 58-70

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### I. DEFINITIONS

No provision.

### II. COVERAGE

Mattress, pillow, cushion, muff bed, quilt, or similar article having a filling of hair, down, feathers, wool, cotton, kapok, or other material. **Sec. 58.**

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

Unlawful to use in manufacture for sale, or sell, or possess for such purpose or for renovating or remaking articles covered by the Act, material which has previously been used in or about a hospital, or on or about a person having infectious or contagious disease, or to sell any article containing materials which have been previously so used. **Sec. 61.**

#### B. PERMITTED IF STERILIZED

No provision.

### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

No provision.

### V. TAGS, LABELS, SEALS

#### A. GENERAL LABELING REQUIREMENTS

Unlawful to manufacture for sale, or sell, articles covered by the Act unless there is plainly marked thereon or on tag attached thereto, a statement of kind of material used for filling in manufacture of such article; name of manufacturer or vendor; and, if material has been previously used, the words "second-hand." **Sec. 58.**

If article is enclosed in bale, box, crate, or other receptacle, there shall be plainly marked on receptacle, or on durable tag securely attached thereto, a statement that contents are marked as herein required. **Sec. 59.**

Whoever renovates or remakes a mattress shall attach thereto a tag bearing word "remade" and a statement of kind of material used for filling. **Sec. 60.**

Those engaged in business of selling hair, down, feathers, wool, cotton, kapok, or other materials commonly used for filling articles

covered by the Act are required when shipping such material, to attach to the box, crate, package, or other container, a tag bearing a statement of contents of package; name of vendor; and, if material has been used before, the words "second-hand." **Sec. 62.**

#### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Statements shall be plainly marked on article or on tag. **Sec. 58.**

Tags shall be of some durable substance, sewed on article, or otherwise securely attached thereto. **Sec. 58.**

#### C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

#### D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful to sell any used filling material, representing same to be new material. **Sec. 63.**

Unlawful, except for purchaser at retail, to remove or efface marking on article covered by the Act, or on its receptacle, or on tag or label attached thereto. **Sec. 65.**

### VI. EXEMPTIONS

#### A. TO MATERIALS OR FINISHED ARTICLES

See VI B.

#### B. TO PERSONS

The Act shall not apply (except provisions as to seizure and destruction and posting notice of danger of contagion—See VII C, D) to persons who sell goods which are owned by them and have been in good faith used by them in own houses or hotels; nor shall the Act apply to administrators, executors, guardians, or trustees in bankruptcy. **Sec. 70.**

### VII. ADMINISTRATION AND ENFORCEMENT

#### A. INSPECTION; INVESTIGATION

State Board of Health, when there is reason to believe the Act is being violated in factory, shop, warehouse, store, or other place shall cause an investigation of such place, and for this purpose any member or duly authorized employee of Board may enter such building, or other place at all reasonable times. **Sec. 68.**

#### B. LICENSES; FEES; REVOCATION OF LICENSE

No provision.

#### C. SEIZURE; DESTRUCTION

If upon investigation, articles or material for use therein are found which are prohibited under the Act (see III A), articles shall be marked with labels bearing word "unclean" in conspicuous letters; and Board of Health, with or without notice to owner, may order removal and destruction of articles and materials, or make such other order relating thereto as circumstances may require. **Sec. 68.**

## D. OTHER ADMINISTRATIVE POWERS

When it is deemed necessary to safeguard public health, State Board of Health may post on building or part thereof containing articles or filling materials covered by the Act, or on building from which same has been removed, a warning of danger of contagion or infection resulting from violation of the Act, and may continue the notice upon said premises until same have been properly cleaned and disinfected. **Sec. 69.**

## E. ENFORCEMENT PROCEDURE

Possession of any article covered by the Act, not marked as herein provided, by any person engaged in the business of manufacturing, selling or offering the same for sale shall be prima facie evidence that such article is being manufactured, remade, or renovated, or is offered or exposed for sale in violation of this Act. **Sec. 69.**

Police officer, member of local board of health, or other town official, who has reason to believe the Act has been or is being violated, shall give notice to State Board of Health. **Sec. 67.**

## F. FINE; IMPRISONMENT

Not over \$500 fine and/or not over 6 months imprisonment for violation of Secs. 58-63. **Sec. 64.**

Not over \$50 fine for tampering with labels or removing notice of warning. **Secs. 65, 69.**



## NEW JERSEY

Revised Statutes of New Jersey, 1937; Secs. 26:10-1 to 26:10-18 and 2:103-6

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### I. DEFINITIONS

"Second-hand" includes any material which has been used before in any bed spring, cot, lounge or sofa or in any article of household or wearing apparel, however afterwards treated. **Sec. 26:10-3.**

"Mattress," see II.

### II. COVERAGE

1. Mattresses, i. e., quilted pads, mattresses, mattress pads, bunk quilts, or cushions stuffed or filled with wool, hair, or other soft material, except feathers, to be used on couches or other beds for sleeping or reclining purposes. **Sec. 26:10-6.**

2. Bed springs, cots, lounges, and sofas.

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

No cotton, wool, or other material which has been used in or formed part of, mattress, bed spring, cot, lounge, or sofa used in or about a public or private hospital, or about a person having contagious or infectious disease shall be used in whole or part, in manufacture of any bed spring, cot, lounge, or sofa. **Sec. 26:10-1.**

Unlawful to use in making, remaking, or renovating any mattress: (a) material that has been used in or has formed part of mattress, bed spring, cot, lounge, or sofa used in or about a public or private hospital or for or about a person having a contagious or an infectious disease; (b) material known as shoddy, and made in whole or part from old or worn clothing, carpets, or other fabric, or material previously used, or any other fabric or material from which shoddy is constructed. **Sec. 26:10-7.**

Unlawful to sell or deliver any mattress made, remade, or renovated in violation of above. **Sec. 26:10-8.**

#### B. PERMITTED IF STERILIZED

Unlawful to use in making, remaking, or renovating any mattress: Material, not otherwise prohibited by the Act, of which prior use has been made, unless thoroughly sterilized and disinfected by a reasonable process approved by State Department of Health. **Sec. 26:10-7.**

#### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

##### A. PROHIBITED

Unlawful to sell or deliver mattress that has been used for or about a person having contagious or infectious disease. **Sec. 26:10-8.**

##### B. PERMITTED IF STERILIZED

Unlawful to sell or deliver mattress, not otherwise prohibited, of which prior use has been made, unless since last used it has been thoroughly sterilized and disinfected by a reasonable process approved by State Department of Health. **Sec. 26:10-8.**

#### V. TAGS, LABELS, SEALS

##### A. GENERAL LABELING REQUIREMENTS

As to bed springs, cots, lounges, and sofas: (a) If materials are entirely new, the label shall read: "The materials used in the manufacture of this bed spring" (or other article as the case may be) "are entirely new." (b) If materials are wholly or partly second-hand, the label shall read: "The materials used in the manufacture of this bed spring" (or other article as the case may be) "are in whole or in part second-hand"; which statement must be followed by a specific enumeration and description of the second-hand materials used. **Sec. 26:10-3.**

As to mattresses: Unlawful to sell any mattress to which is not attached a label containing the following items: Material used in filling; name and address of maker and vendor or successive vendors; statement that article is made in compliance with Chap. 10, article 2 of the title "Health and Vital Statistics," of the Revised Statutes. **Secs. 26:10-7, 26:10-10.**

In addition, the following shall appear: "The materials used in the manufacture of this mattress are entirely new" (or wholly or partly second-hand, as the case may be). **Sec. 26:10-11.**

Every second-hand mattress shall also show on the label: (a) Date of sterilization and disinfection; (b) name and address of person performing same. **Sec. 26:10-12.**

No information other than that specified in the Act is permitted on mattress label. **Sec. 26:10-13.**

##### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

As to bed springs, cots, lounges, and sofas: Label shall be a cloth tag, not less than 2½ by 3 inches, sewed or securely attached to article. Required statements shall be in plain print, in English language and in large type. **Sec. 26:10-4.**

As to mattresses: Statements on label shall be plainly and indelibly written or printed in English language on mattress or on plain muslin or linen label, not less than 3 by 4½ inches in size, securely sewed to covering. Label shall be in the following form:

OFFICIAL STATEMENT

Material used in filling -----

Made by -----

Address -----

Vendor (or successive vendors) -----

Address -----

This article is made in compliance with article 2 of chapter 10 of the title, "Health and Vital Statistics," of the Revised Statutes (26:10-6 et seq.)

**Sec. 26:10-10.**

C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

Word "felt," or words of like import, prohibited on mattress label if filling materials are not felted and filled in layers, unless the different materials used in filling are plainly stated. **Sec. 26:10-14.**

D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Description on mattress labels shall not contain any term or designation which is misleading or likely to mislead. **Sec. 26:10-15.**

Unlawful to remove, deface, or alter any labels placed on mattresses in accordance with the Act. **Sec. 26:10-16.**

VI. EXEMPTIONS

A. TO MATERIALS OR FINISHED ARTICLES

Articles stuffed or filled with feathers are specifically excluded from definition of "mattress." (See II.) **Sec. 26:10-6.**

B. TO PERSONS

No provision.

VII. ADMINISTRATION AND ENFORCEMENT

A. INSPECTION; INVESTIGATION

No provision.

B. LICENSES; FEES; REVOCATION OF LICENSE

No provision.

C. SEIZURE; DESTRUCTION

No provision.

D. OTHER ADMINISTRATIVE POWERS

No provision.

E. ENFORCEMENT PROCEDURE

No provision.

F. FINE; IMPRISONMENT

Violation of provisions relating to bed springs, cots, lounges, and sofas: not over \$1,000 fine and/or not over 3 years imprisonment. **Secs. 2:103-6, 26:10-5.**

Violation of provisions relating to mattresses is punishable by not over \$100 fine. **Sec. 26:10-18.**

Each mattress made, remade, renovated, sold, or delivered contrary to Act shall constitute a separate offense. **Sec. 26:10-17.**



## NEW YORK

Thompson's Laws of New York, 1939, Penal Law, Sec. 446, and General Business Law, Secs. 384, 386, 388, 389; 1939 Supplement to Thompson's Laws, General Business Law, Secs. 383, 385, 387

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### I. DEFINITIONS

"Commissioner" means Industrial Commissioner. **Sec. 383.**

"Department" means Department of Labor. **Sec. 383.**

"Filling material" includes any hair, down, feathers, wool, cotton, kapok, or other soft material used in the manufacture of and for filling articles of bedding or upholstered furniture, but shall not include articles sold at retail, open to inspection at time of sale, which are prepared and intended for use in home of owner. **Sec. 383.**

"New" refers to any material or article which has not been previously used for any purpose, including byproducts produced in the manufacture of new fabric and material reclaimed from new fabric; except that an article of bedding returned by purchaser for exchange, alteration, or correction, within 30 days after retail delivery is deemed to be a new article, but 30 days after delivery such article is deemed to be second-hand. **Sec. 383.**

"Second-hand" refers to any material or article of which previous use has been made except as otherwise provided in this Act. **Sec. 383.**

"Old" refers to material which cannot be defined as "new" or "second-hand" but which, through age, has become stale or brittle and has lost its natural quality of resilience. **Sec. 383.**

"Garnetted clippings" means any material which has been made into fabric and subsequently cut up, torn up, broken up, or ground up and has been run through a Garnett machine and thoroughly processed. **Sec. 383.**

"Shredded clippings" means any material which has been made into fabric and subsequently cut up, torn up, broken up or ground up but which has not been run through a Garnett machine and thoroughly processed. **Sec. 383.**

"Shoddy" means garnetted or shredded clippings when made wholly or partly from old or worn rags, clothing or second-hand fabrics. **Sec. 383.**

"Felt" means material that has all been carded in layers or sheets by Garnett or felting machine. **Sec. 383.**

"Manufacture," "making," "make," "made," includes altering, repairing, finishing, or preparing article of bedding or upholstered furniture or filling materials for sale, including remaking or renovating when done away from the home of the owner. **Sec. 383.**

"Bedding," or "article of bedding," see II.

"Upholstered furniture," see II.

### II. COVERAGE

1. Bedding, including filling material and mattresses, pillows, cushions, quilts, bed pads, comforters, upholstered spring beds, box-



spring davenports or day-beds, bed spring metal couches, metal beds, metal cots, metal cradles, metal bassinets, used or intended for sleeping, resting, or reclining purposes and gliders, hammocks, or other substantially similar articles which are wholly or partly upholstered. **Sec. 383.**

2. Upholstered furniture, i. e., articles of household furniture, wholly or partly stuffed or filled with soft material, which are used or intended for use for sitting, resting, or reclining purposes. **Sec. 383.**

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

Unlawful to appropriate for own use or use of another or for sale, filling material which has been abandoned by owner. **Sec. 384.**

#### B. PERMITTED IF STERILIZED

Unlawful to "use in the making, remaking, renovating, or preparing of any article of bedding or article of upholstered furniture or in preparing cotton or other material therefor which has been used as a mattress, pillow, or bedding" in any public or private hospital, or which has been used by or about any person having infectious or contagious disease and which after such use has not been sterilized and approved for use by Commissioner. (See also IV B.) **Penal Law, Sec. 446.**

Unlawful to use any material to make an article of bedding for sale, that is made from material that (a) comes from an animal or fowl; (b) contains bugs, vermin, insects or filth; (c) is unsanitary; (d) contains burlap or other material that has been used for baling; (e) that is second-hand; unless such material has been thoroughly sterilized by process approved by Commissioner. (See also IV B.) **Sec. 384.**

### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

#### A. PROHIBITED

Unlawful to appropriate for own use or use of another or for sale, article of bedding which has been abandoned by the owner. **Sec. 384.**

#### B. PERMITTED IF STERILIZED

Unlawful to sell article of bedding or material used in the making thereof, which has been used by or about person having an infectious or contagious disease, unless such article or material shall have been sterilized by approved process, and is tagged as provided in the law. **Sec. 384.**

### V. TAGS, LABELS, SEALS

#### A. GENERAL LABELING REQUIREMENTS

Articles of bedding made for sale or sold shall have tag attached which states name of material used, that such material is new, old,

or second-hand, and, when required to be sterilized, that such material has been sterilized and the number of the sterilizing permit, along with the name and address of maker or vendor and registry number of maker. Tags attached to new articles shall be legibly stamped or marked by retail vendor with date of delivery to customer. Remade or renovated bedding not for sale but for return to owner for his own use shall bear tag showing in addition to above, the name and address of owner and remaker or renovator, or the statement "Remade and renovated for" followed by appropriate name and address provided that such person is not the owner of the article of bedding, the date of sterilization, and a statement that article is not for sale and that it contains same material received from owner and name and amount of any new material added during remaking. Shipment or delivery, however contained, of filling material shall have firmly and conspicuously attached to container a tag bearing name and address of maker, preparer, or vendor, the name of material and whether such material is new, old, or second-hand, and if sterilized, number of sterilizing permit. **Sec. 385.**

Industrial Commissioner may order off sale, and may so tag any article of bedding or material therefor which is not tagged as required, or tag of which bears misleading term, description, designation, or statement. Articles placed off sale shall not be sold until properly tagged and Commissioner removes "off sale" tag. **Sec. 385.**

Complete second-hand article of bedding not remade or renovated may be sold "as is" without being sterilized but original tag shall be removed by vendor, who shall attach tag stating article is "Second-hand—contents unknown"; but this requirement shall not apply to articles sold at public auction, sale of antique furniture, or to private sale from home of owner direct to purchaser. Nothing herein authorizes the sale of articles of bedding that have been exposed to infectious or contagious disease. Commissioner shall tag "unclean" in conspicuous letters, such unsterilized infected article. Such tag shall not be removed except by Commissioner. **Sec. 385.**

Unlawful for manufacturer or vendor to deliver to person any tag required by the Act unless affixed or attached to article as required; except the Commissioner may, on application, permit such delivery. **Sec. 384.**

The registry number of persons, firms, and corporations required by statute or administrative rule to have such number shall appear on tag. **Sec. 386.**

#### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Tags shall be approved by Industrial Commissioner and prominently and securely attached to article as he may prescribe, and shall be made of muslin or linen or of other material of like durability and of the same color stock throughout. Paper-faced tags are not to be used. Tag shall be white for designating all new material; yellow for designating old or second-hand or renovated material or articles; blue, for articles or materials placed off sale; red, for articles or materials exposed to infectious or contagious disease and declared "unclean." **Sec. 385.**

Statements shall be legibly printed or stamped on one side only, in English language, in letters at least  $\frac{1}{8}$ -inch high. Tags on mattresses or pillows shall be at least 6 square inches. Commissioner may require

smaller or larger tags on other articles. Tags shall bear certification that article complies with law and may also state that it complies with law of other States. **Sec. 385.**

Inspection stamps shall bear State seal and other matter as Commissioner may require and be affixed to tag before article of bedding is sold or delivered. **Secs. 386, 384.**

C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

In description of material used, on tag attached to any article of bedding, unlawful to use any term or designation intended or likely to mislead; but where article contains more than one material and rules adopted hereunder require amounts to be stated, a variance of not over 10 percent is not deemed misleading. No variance is allowed for material described as "all," "pure," "100%," or terms of similar import. **Sec. 385.**

Unlawful to sell as new any article of bedding unless made from all new material. **Sec. 384.**

Unlawful to represent to be new in sale, old or second-hand hair, down, feathers, wool, cotton, kapok, or other filling materials. **Sec. 384.**

Unlawful to counterfeit or imitate any stamp or permit issued under the Act. **Penal Law, Sec. 446.**

Unlawful except for purchaser at retail for his own use, or except as otherwise herein provided, to remove, deface, or alter tag attached to article of bedding, but tag and inspection stamp shall be removed and destroyed upon removal of filling material from container thereof. **Sec. 384.**

## VI. EXEMPTIONS

### A. TO MATERIALS OR FINISHED ARTICLES

Complete second-hand article of bedding not remade or renovated may be sold "as is" without being sterilized but original tag shall be removed by vendor who shall attach tag stating article is "second-hand—contents unknown," but this requirement shall not apply to articles sold at public auction, sale of antique furniture, or to private sale from home of owner to purchaser, except where exposed to infectious or contagious disease. Commissioner shall tag "Unclean" in conspicuous letters such unsterilized infected article. Such tag not to be removed except by Commissioner. **Sec. 385.**

Inspection stamps are not required on articles made for shipment outside of State. **Sec. 384.**

### B. TO PERSONS

See VI A.



## VII. ADMINISTRATION AND ENFORCEMENT

## A. INSPECTION; INVESTIGATION

Place where articles of bedding are made, remade, or renovated or materials therefor are prepared or sterilized or where such articles or materials are sold, are subject to inspection by Commissioner who may inspect the manufacture, sale or delivery of articles covered by the Act and may open and examine contents. **Secs. 387, 384.**

Unlawful to interfere, obstruct, or hinder inspector of Division of Bedding in performance of his duties. (See also VII C.) **Sec. 387.**

## B. LICENSES; FEES; REVOCATION OF LICENSE

A charge of \$10 is made for each 1,000 inspection stamps. Inspection stamps of same value, issued by another State shall be accepted when reciprocal privileges accorded, and where quality and inspection requirements are substantially equal to those of New York. **Sec. 386.**

A numbered permit shall be obtained from Commissioner before operation of a sterilizing process. Fee for the original permit shall be \$50, and \$25 for each yearly renewal. Commissioner may revoke or suspend permit upon violation of Act. The permit shall be returned to Commissioner upon holder's being notified by Commissioner, of violation. For reissuing a revoked or expired permit the fee is \$50. **Sec. 384.**

Advisory Board of the Division of Bedding may adopt rules permitting yearly fees in lieu of inspection stamps. Different yearly fees may be required for different articles and materials. **Sec. 387.**

All fees, fines, penalties and other monies derived from operation of the Act shall be paid to Department of Labor. **Sec. 389.**

## C. SEIZURE; DESTRUCTION

Commissioner may seize and hold for evidence at trial for violation of Act, any article of bedding, in whole or in part, which he has reason to believe is made or sold in violation of the Act or of Sec. 446 of penal law. (See III B.) **Sec. 387.**

It is the duty of local authorities to collect and remove all articles of bedding which have been abandoned by the owner and to destroy them. **Sec. 384.**

Commissioner may order off sale, and so tag, article of bedding or material therefor which violates the tagging provisions, and such articles placed off sale or seized by Commissioner shall not be sold nor shall contents thereof be altered, interfered with, or removed, wholly or partly, nor be removed from premises where placed off sale or seized, until such articles or materials are released by Commissioner. All articles or materials placed off sale or seized shall be subject to frequent examination by inspectors of the Division of Bedding and must be so placed or stored as to be readily accessible at all times and shall be produced for examination upon demand by inspector. **Sec. 385.**

## D. OTHER ADMINISTRATIVE POWERS

Commissioner may contract for the printing and delivery of the inspection stamps in accordance with State finance law. **Sec. 386.**



Commissioner may use powers conferred upon him by the labor law in addition to powers herein conferred. **Sec. 387.**

Division of Bedding, created in Department of Labor, to exercise jurisdiction powers and duties as assigned by Commissioner. **Sec. 387.**

Advisory Board, created for Division of Bedding, to have not over seven representatives of interests affected by the Act and to be appointed for 2 years by Governor with advice and consent of Senate. The Commissioner shall be chairman. The Board shall consider all matters submitted to it by Commissioner; recommend to Commissioner changes of rules or administration of Bedding Division as deemed important and necessary; cooperate in preparation of rules and regulations supplemental to this Act; cooperate with Civil Service Commission in regard to adequate staffing of Bedding Division. **Sec. 387.**

Rules supplemental to, but not in conflict with the Act, made by Advisory Board subject to approval by Commissioner are effective 30 days after filing with Secretary of State and have force and effect of law. If there be practical difficulty or undue hardship in carrying out Act or rule thereunder, Board may make variation if spirit of law or rule is observed. Variation shall be in the form of a resolution, requires at least four votes, and applies to all places or conditions where facts are substantially same as set forth in record of the Board as being basis of the variation. Variation is effective for not over 60 days, during which time a new rule may be adopted to cover conditions affected by the variation. Such rule shall be filed with Secretary of State 30 days prior to expiration of variation; otherwise variation shall be null and void 30 days after variation was made. **Sec. 388.**

#### E. ENFORCEMENT PROCEDURE

The presence on the premises of any maker or vendor of any old or second-hand material or article shall be presumptive evidence of its sale or use. **Sec. 384.**

A certified copy of the analysis made by the Department shall be received in evidence without the presence in court of the person making such analysis. **Sec. 384.**

#### F. FINE; IMPRISONMENT

Not over \$500 fine and/or not over 6 months imprisonment. **Penal Law, Sec. 446.**

Each counterfeited or imitated stamp or permit made, used, sold, offered for sale, or delivered contrary to this Act, shall constitute a separate offense. **Sec. 384.**

Each article of bedding made, remade or renovated, sold, or delivered, contrary to this Act, shall constitute a separate violation. **Sec. 388.**

## NORTH CAROLINA

North Carolina Code of 1939, Annotated, Chap. 118, Article 22, Secs. 7251 (x) to 7251 (hh), and 7251 (hh) 25 to 7251 (hh) 36

NOTE.—The 1935 bedding law of North Carolina repealed only part of the previous statute, leaving secs. 7251 (x) to 7251 (hh) in force, and adding secs. 7251 (hh) 25 to 7251 (hh) 36. The requirements of the provisions left in force overlap at some points those of the added provisions. Also, the earlier provisions are applicable to “bedding,” whereas the later ones were applicable to “mattresses,” and these two terms are defined somewhat differently, as will be seen from II, below. Hence, for the purpose of enabling the reader to distinguish quickly between the earlier and the 1935 provisions, the latter are footnoted.

### I. DEFINITIONS

“Shoddy” means material which has been spun into yarn, knit, or woven into fabric and subsequently cut up, broken up, or ground up. **Sec. 7251 (z).**

“New material” means any material which has not been used in the manufacture of another article or used for any other purpose: Provided, this shall not exclude byproducts of industry that have not been in human use, unless included in following paragraph. **Sec. 7251 (hh) 25.<sup>5</sup>**

“Previously used material” means: (a) Any material which has been used in the manufacture of another article or used for any other purpose; (b) any material made into thread, yarn, or fabric, and subsequently torn, shredded, picked apart, or otherwise disintegrated, including jute and shearings. **Sec. 7251 (hh).**

“Renovate” means the reworking of a used mattress and returning it to the owner for his own personal use or use of his immediate family. **Sec. 7251 (hh) 25.<sup>5</sup>**

“Manufacture” means any making or remaking of a mattress out of new or previously used material, other than renovating. **Sec. 7251 (hh) 25.<sup>5</sup>**

“Sell” here also includes delivery. **Sec. 7251 (hh) 25.<sup>5</sup>**

“Bedding,” see II.

“Mattress,” see II.

### II. COVERAGE

1. Bedding, i. e., mattresses, upholstered springs, comforters, pads, cushions, or pillows designed and made for use in sleeping or reclining, except where filling thereof consists exclusively of sterilized feathers. **Sec. 7251 (x).**

NOTE.—This applies to Secs. 7251 (x)–7251 (hh).

2. Mattresses, i. e., mattresses, upholstered springs, comforters, pads, cushions, or pillows to be used in sleeping. **Sec. 7251 (hh) 25.<sup>5</sup>**

<sup>5</sup> Provision of the 1935 bedding law.

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

Unlawful to use in making or remaking bedding for sale, material that has been used by or about a person having an infectious or contagious disease or formed part of bedding so used, or to use in said manufacture any material known as "shoddy" and consisting in whole or part of old or worn clothing, carpets, or other fabric or material previously used or material from which "shoddy" is constructed. **Sec. 7251 (z).**

#### B. PERMITTED IF STERILIZED

Unlawful to remake or renovate bedding unless all materials to be used in same shall first be thoroughly sterilized and disinfected by process approved by State Board of Health. **Sec. 7251 (bb).**

Unlawful to manufacture mattress containing previously used material without first sterilizing such material by process approved by State health officer. **Sec. 7251 (hh) 26.<sup>5</sup>**

Material known in the cotton-waste trade as "sweeps" or "oily sweeps" shall not be used in mattress unless washed in accordance with rules to be promulgated by State Board of Health. (See also IV B.) **Sec. 7251 (hh) 27.<sup>5</sup>**

### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

#### A. PROHIBITED

Unlawful to sell or deliver article of bedding that has been used by or about persons having infectious or contagious disease. **Sec. 7251 (aa).**

#### B. PERMITTED IF STERILIZED

Unlawful to sell or deliver article of bedding which has been previously used unless it is first sterilized and disinfected by process approved by State Board of Health. **Sec. 7251 (bb).**

Unlawful to renovate mattress without first sterilizing it by process approved by State health officer. **Sec. 7251 (hh) 26.<sup>5</sup>**

Unlawful to sell or give away in connection with a sale a used mattress or a mattress containing used material unless sterilized, since last used, by process approved by State health officer. **Sec. 7251 (hh) 26.<sup>5</sup>**

### V. TAGS, LABELS, SEALS

#### A. GENERAL LABELING REQUIREMENTS

Unlawful to sell bedding unless it complies with following labeling requirements:

Labels, upon which shall be written or printed a description of material used in filling shall be procured from State Board of Health.

<sup>5</sup> Provision of the 1935 bedding law.



If filling material has not been previously used, words "Manufactured of new material" shall appear on tag, together with name and address of maker or vendor. **Sec. 7251 (cc).**

If material used in making or remaking bedding has been previously used, and sterilized in conformity with Section 7251 (bb), the words "Manufactured of previously used material" or "Remade of previously used material," as case may be, shall appear on tag together with name and address of maker or vendor and a description of the filling material used in bedding. **Sec. 7251 (cc).**

Said tag or label shall contain a replica of State Seal printed thereon. **Sec. 7251 (cc).**

Person receiving mattress for renovation or storage shall keep attached thereto, from time received, a tag on which is legibly written the date of receipt and name and address of owner. **Sec. 7251 (hh) 26.<sup>5</sup>**

Unlawful to manufacture or sell mattress unless there is attached thereto a tag bearing the words "Made of new material," if containing no previously used material, the words "Made of previously used materials," if containing previously used material; or the words "Second-hand" if mattress has been used but not remade. When word "Cotton" is used, the kind of cotton shall be clearly stated on tag. **Sec. 7251 (hh) 27.<sup>5</sup>**

A representative of Board of Health may tag mattress "off sale" where found in violation of above mattress provision. **Sec. 7251 (hh) 30.<sup>5</sup>**

#### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Label shall be of muslin or linen and securely sewed to outside of article of bedding, the statements of which shall be written or printed in English language. Words "Manufactured of new material" or "Manufactured of previously used material" or "Remade of previously used material," and description of filling material, shall be in letters not less than  $\frac{1}{8}$ -inch high. Sewing of edge of tag in outside seam deemed "securely sewed". The tag or label shall contain replica of seal of the State printed thereon and be in following form:

##### OFFICIAL STATEMENT

Manufactured of new material.....  
 Materials used in filling.....  
 Made by.....  
 Vendor.....  
 Address.....  
 This article is made in compliance with an act of general  
 assembly of North Carolina of the session of one thou-  
 sand nine hundred and twenty-three.

May state that article is made in compliance with other State laws. **Sec. 7251 (cc).**

The mattress tag shall be cloth or cloth backed, not less than 2 by 3 inches in size to which is affixed adhesive stamp provided for in Sec. 7251 (hh) 29 which shall be affixed so as not to interfere with wording of tag. The words "Made of new material," "Made of previously used material," or "Second-hand" shall be at least  $\frac{1}{8}$ -inch high. White tag shall be used for new materials and a yellow tag for previously used materials or second-hand mattresses. Such tag shall be approved by State health officer. Tag shall be sewed to outside covering before filling material has been inserted. **Sec. 7251 (hh) 27.<sup>5</sup>**

<sup>5</sup> Provision of the 1935 bedding law.



## C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

Word "felt" or words of like import shall not be used on bedding label if filling materials are not felted and filled in layers. **Sec. 7251 (cc).**

On mattress tag the name "felt" shall not be used unless material has been carded in layers by a Garnett machine and inserted into mattress in layers. **Sec. 7251 (hh) 27.<sup>5</sup>**

## D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

No term of description likely to mislead shall be used on bedding label or tag in the description of materials used for filling. **Sec. 7251 (cc).**

Unlawful except purchaser for own use to remove, deface, or alter bedding tag or label. **Sec. 7251 (dd).**

Unlawful except for purchaser for own use or representative of State Board of Health to remove, deface, or alter the required mattress tag. **Sec. 7251 (hh) 28.<sup>5</sup>**

Nothing false or misleading shall appear on mattress tag. **Sec. 7251 (hh) 27.<sup>5</sup>**

## VI. EXEMPTIONS

## A. TO MATERIALS OR FINISHED ARTICLES

Bedding filled with sterilized feathers is specifically excluded from definition of "bedding." (See II.) **Sec. 7251 (x).**

## B. TO PERSONS

State institutions manufacturing bedding are exempt from paying fee for the bedding tags. **Sec. 7251 (cc).**

Person making or having made any bedding out of materials furnished by him for his own use, or person not making more than six mattresses per week, provided required label is attached, is exempt from operation of Act. **Secs. 7251 (cc), 7251 (hh) 31.<sup>5</sup>**

State institutions manufacturing mattresses for their own use or use of other state institutions are exempt from adhesive stamp tax relating to mattresses. **Sec. 7251 (hh) 29.<sup>5</sup>**

Places of manufacture or renovation of mattresses owned solely by blind persons having one seeing assistant, are exempt from payment of license fee and purchase of the adhesive stamps; such mattresses may be sold by any dealer without said stamp being affixed. Blind persons operating under direction of State Commissioner for the Blind need not obtain license to make mattresses. **Secs. 7251 (hh) 35,<sup>5</sup> 7251 (hh) 31.<sup>5</sup>**

Except where mattress has been exposed to an infectious or contagious disease, this law does not apply to a mattress sold by owner from his home direct to purchaser. **Sec. 7251 (hh) 26.<sup>5</sup>**

Person making mattress for own personal use or use of immediate family is exempt from paying license fees. **Sec. 7251 (hh) 31.<sup>5</sup>**

<sup>5</sup> Provision of the 1935 bedding law.

## VII. ADMINISTRATION AND ENFORCEMENT

## A. INSPECTION; INVESTIGATION

Places where bedding is made, remade, or renovated, or held for sale or delivery are subject to supervision and inspection by State Board of Health. **Sec. 7251 (ff).**

After receipt of information concerning violation of bedding law, solicitor of juridical division where Act was alleged to have been violated shall investigate said violation. **Sec. 7251 (hh).**

Where officer of board of health has reason to believe mattress or bedding is improperly labeled as to contents, he may open and examine same and may examine records of such material (purchase invoice, etc.) as are necessary to determine definitely the kind and character of such material. **Secs. 7251 (gg),<sup>5</sup> 7251 (hh) 30.<sup>5</sup>**

Places where mattresses are made, remade, renovated, or sold, or where material for use in the manufacture of same is mixed, worked, or stored, shall be inspected by representatives of State Board of Health. **Sec. 7251 (hh) 30.<sup>5</sup>**

Sterilizing apparatus used for sterilizing mattresses and materials, shall be inspected and approved by representative of State health officer. If he believes apparatus does not effectively sterilize, or if at any time it is not maintained in satisfactory condition, it may be condemned and may not be used until approved. **Sec. 7251 (hh) 26.<sup>5</sup>**

Persons sterilizing mattresses or materials for another shall keep in well-bound book a complete record of kind of materials and mattresses so sterilized. Such record shall be open to inspection by State health officer. **Sec. 7251 (hh) 26.<sup>5</sup>**

## B. LICENSES; FEES; REVOCATION OF LICENSE

A fee of \$20 per 1,000 required tags or labels is to be paid to State Board of Health. This fee shall be placed in a bedding fund to be used for enforcement of the Act. **Sec. 7251 (cc).**

Person desiring to operate a sterilizer must obtain license from State health officer, fee for which is \$25 annually. License to be kept conspicuously posted in place of business. **Sec. 7251 (hh) 26.<sup>5</sup>**

A license to manufacture mattresses is required and an annual inspection fee of \$25 is charged before issuance of such license. **Sec. 7251 (hh) 31.<sup>5</sup>**

The above licenses for sterilizing and manufacturing may be revoked upon the second conviction for violating the Act. Mattresses shall not be made, remade, renovated, or sold for a period of 6 months after such revocation and then not until payment of required fees for new licenses. **Sec. 7251 (hh) 31.<sup>5</sup>**

State Board of Health shall provide specially designed adhesive stamp for use on required mattress tag. A charge of \$10 per 500 stamps is made. Moneys collected shall be credited to a "Bedding law fund" for enforcement of the Act. **Sec. 7251 (hh) 29.<sup>5</sup>**

## C. SEIZURE; DESTRUCTION

Representative of State Board of Health may seize and hold for examination or evidence any records (purchase, etc.) of any mattress

<sup>5</sup> Provision of the 1935 bedding law.

or mattress material which in his opinion is made, possessed, or offered for sale contrary to the Act. **Sec. 7251 (hh) 30.**<sup>5</sup>

#### D. OTHER ADMINISTRATIVE POWERS

State Board of Health may contract for the printing of the required bedding tags or labels. **Sec. 7251 (cc).**

#### E. ENFORCEMENT PROCEDURE

State Board of Health may prosecute, after finding insanitary conditions of sale, making, remaking, or renovating, and failure to remedy insanitary conditions after reasonable notice of not more than 60 days. It is the duty of the Board to prosecute all violations of this Act. **Sec. 7251 (ff).**

Any person, with reason to believe bedding Act is being violated, may present facts to solicitor of appropriate district, whereupon solicitor shall investigate, and institute proceedings if he finds reasonable cause to believe Act has been violated. Any individual may institute proceedings to enforce the Act. **Sec. 7251 (hh).**

Possession of any mattress as above defined, when found in any store, warehouse, or place of business other than private home, hotel, or other place where ordinarily used, constitutes prima facie evidence that articles are possessed with intent to sell or sterilize and sell. **Sec. 7251 (hh) 25.**<sup>5</sup>

#### F. FINE; IMPRISONMENT

Not less than \$25 nor over \$1,000 fine and/or 6 months imprisonment for violation of Secs. 7251 (x)–7251 (hh). **Sec. 7251 (ee).**

The unit for a separate and distinct offense in violation of Secs. 7251 (x)–7251 (hh) shall be each article made, remade, sold, or delivered contrary to this Act. **Sec. 7251 (ee).**

Not over \$50 fine or 30 days imprisonment for violation of Secs. 7251 (hh) 25–7251 (hh) 33. **Sec. 7251 (hh) 34.**<sup>5</sup>

<sup>5</sup> Provision of the 1935 bedding law.

# OHIO

Baldwin's 1936 Revision of Throckmorton's Ohio Code, Annotated; Secs. 12798-1 to 12798-4

## I. DEFINITIONS

"Mattress," see II.

## II. COVERAGE

Mattresses, including quilted pads, stuffed with hair, wool, or other soft material, except feathers, to be used on beds for sleeping or reclining purposes. **Sec. 12798-3.**

## III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIAL

### A. PROHIBITED

Unlawful to use wholly or partly in manufacture of mattress, cotton, or other material which has been used or formed part of mattress, pillow, or bedding used in or about public or private hospital or on or about person having infectious or contagious disease. **Sec. 12798-1.**

### B. PERMITTED IF STERILIZED

No provision.

## IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

No provision.

## V. TAGS, LABELS, SEALS

### A. GENERAL LABELING REQUIREMENTS

Unlawful to manufacture for sale, sell, or deliver mattresses, unless properly branded or labeled. **Sec. 12798-1.**

The required brand or label shall contain a statement of material used in the manufacture, whether materials are wholly or partly new or second-hand, and the quantities and qualities of material used. **Sec. 12798-2.**

### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Brand or label shall be a paper or cloth tag, sewed or securely attached to mattress; and a similar label shall be placed on outside of each bale, box, crate in which packed, shipped, or exposed for sale. Statements shall be in plain print in English language. **Sec. 12798-2.**



C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful to manufacture for sale, sell, or deliver mattress which is not properly branded or labeled or which is falsely branded or labeled; or when dealing in mattresses, to sell same without required brand or label, or to remove, conceal, or deface said brand or label.  
**Sec. 12798-1.**

VI. EXEMPTIONS

A. TO MATERIALS OR FINISHED ARTICLES

Mattresses filled with feathers are specifically excluded from the definition of mattresses. (See II.)

B. TO PERSONS

No provision.

VII. ADMINISTRATION AND ENFORCEMENT

A. INSPECTION; INVESTIGATION

No provision.

B. LICENSES; FEES; REVOCATION OF LICENSE

No provision.

C. SEIZURE; DESTRUCTION

No provision.

D. OTHER ADMINISTRATIVE POWERS

No provision.

E. ENFORCEMENT PROCEDURE

When Commissioner of Labor Statistics believes provisions herein are being violated, he shall advise Attorney General whereupon suit shall be instituted forthwith by said Attorney General, or the county attorney under his direction, for enforcement and punishment.  
**Sec. 12798-4.**

F. FINE; IMPRISONMENT

Not less than \$25 nor over \$500 fine, and/or not over 6 months imprisonment. **Sec 12798-1.**

# OREGON

Oregon Code Annotated, 1930; Secs. 59-1801 to 59-1821

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## I. DEFINITIONS

"Shoddy" embraces all materials resulting from the disintegration of any old fabric. **Sec. 59-1818.**

"Waste" embraces all discarded materials from mills, garbage, sweepings, waste receptacles, or other possibly contaminated materials. Wastes which are byproducts of machines at mills using new raw materials are excepted when free from contamination. **Sec. 59-1818.**

"Second-hand" embraces all material which has been previously used in bedding or otherwise, or material which possibly has been contaminated. **Sec. 59-1818.**

"Bedding," see II.

## II. COVERAGE

Bedding, i. e.:

1. Mattresses, meaning any quilted pads, mattresses, mattress pads, mattress protectors, bunk quilts, or box springs, stuffed or filled with excelsior, straw, hay, moss, fiber, cotton, wool, hair, jute, kapok, or other soft material to be used on couches or other beds for sleeping or reclining purposes. **Sec. 59-1801.**

2. Pillows, bolsters, or feather beds, meaning any bags, cases, or coverings made of cotton or other textile material and stuffed or filled with fiber, cotton, wool, hair, jute, feathers, feather down, kapok, or other soft material to be used on beds, couches, divans, sofas, lounges, or other articles of upholstered furniture for sleeping or reclining purposes. **Sec. 59-1801.**

3. Comforters, meaning any covers, quilts or quilted articles made of cotton or other textile material and stuffed or filled with fiber, etc., as immediately above, for sitting, resting, or reclining purposes. **Sec. 59-1801.**

4. Cushions, meaning any bags or cases made of leather, cotton or other textile material and filled with fiber, etc., as immediately above, to be used on hammocks, chairs, couches, divans, sofas, or lounges or other articles of furniture for reclining, resting, or sleeping purposes, except where such cushions are a component part of upholstered furniture. **Sec. 59-1801.**

5. Upholstered furniture, meaning any articles of furniture stuffed or filled with excelsior, straw, moss, fiber, cotton, wool, hair, jute, feather down, kapok, or other soft material to be used for sitting, resting, or reclining purposes. **Sec. 59-1801.**

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

Unlawful at wholesale or retail, directly or indirectly, to sell, deliver, or otherwise commercially dispose of, article of bedding or material therefrom which has been used by or about a person having infectious or contagious disease or by a private or public hospital or sanitarium, or which has been thrown away with garbage or other waste material. **Sec. 59-1806.**

#### B. PERMITTED IF STERILIZED

Unlawful at wholesale or retail, directly or indirectly to sell, make, or repair, deliver, or otherwise commercially dispose of bedding, when waste, second-hand materials, or shoddy is used in the repair or manufacture thereof, unless such materials are sterilized by process approved by State Board of Health, said process defining all such materials to be sterilized. **Sec. 59-1804.**

### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

#### A. PROHIBITED

Unlawful at wholesale or retail, directly or indirectly, to sell, make or repair, deliver, or otherwise commercially dispose of article of bedding or material therefrom that has been used by or about a person having infectious or contagious disease, or by private or public hospital or sanitarium, or which has been thrown away with garbage or other waste material. **Sec. 59-1806.**

#### B. PERMITTED IF STERILIZED

Unlawful at wholesale or retail, directly or indirectly, to sell, make, or repair, deliver, or otherwise commercially dispose of bedding which has been previously used or subject to contamination, and which has not been sterilized by process approved by State Board of Health. **Sec. 59-1805.**

### V. TAGS, LABELS, SEALS

#### A. GENERAL LABELING REQUIREMENTS

Unlawful at wholesale or retail, directly or indirectly, to sell, make, repair, deliver, or commercially dispose of bedding unless labeled with tag which sets forth the contents, weight, measurements, amount and weight of each kind of material and whether material used in the manufacture is wholly or partly new, second-hand, shoddy or waste, with name and address of manufacturer or vendor or both. Invoices or instruments of delivery shall show true description of merchandise, as enumerated on the labels. Example: "----- 6-35 lbs. Prime Java-Kapok 4/4 mattress, @ 15-90." **Sec. 59-1803.**

Any waste, second-hand materials, or shoddy used in the repair or manufacture of article of bedding must be enumerated on label. **Sec. 59-1804.**

Articles which have been previously used or subject to contamination shall be labeled as second-hand material and show the date of sterilization. **Sec. 59-1805.**

Any material or product which is wholly or partly second-hand, waste, or shoddy, which might enter into articles of bedding, shall have tag or other label on container stating true contents, with name of vendor; and invoice or other instrument of delivery or sale shall have true name and description of materials. **Sec. 59-1807.**

A tag containing replica of State seal and setting forth that article is manufactured in compliance with law shall be attached to each article covered by the Act. Where tag is to be used on pillow, cushion, bolster, or comforter, a statement that it is to be so used shall appear on such tag. **Sec. 59-1814.**

#### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Label is to be cloth or cloth lined tag, not less than 3 inches square, securely sewed at least on one edge into seam of article, with required facts stated thereon plainly and indelibly, in English language. **Sec. 59-1803.**

Label is to have following form:

"This article is made in compliance with the act of the  
State of Oregon, approved \_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_.  
Materials Used In Manufacture  
Manufactured of \_\_\_\_\_  
All new material  
Second-hand material, waste material, shoddy.  
Remade of owner's material with \_\_\_\_\_ lbs. new or  
second-hand.  
Covering—New or second-hand.  
Grade—oz.   Sheeting \_\_\_\_\_, drill \_\_\_\_\_, sateen, etc.  
15 lbs.   Prime Java-Kapok. } Gross weight—42 lbs.  
25 lbs.   Cotton linters, felted }  
40 lbs.   Staple, cotton, felted.  
40 lbs.   White hair, etc.

-----  
(Name of Maker or Vendor.)"

—**Sec. 59-1808.**

Waste, second-hand material, or shoddy, or materials subjected to contamination which are used in manufacture or repair of article of bedding shall be enumerated on yellow label in type not less than ¼-inch face. **Secs. 59-1804, 59-1805.**

Articles of bedding shall have securely attached, visible on outside covering, a tag, obtained from State Board of Health, on which is printed: "This article is made in compliance with an Act of the State of Oregon, approved the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_." It shall also bear a replica of the seal of Oregon. Such tag shall not be less than 2½ by 3½ inches in size. Where tag is to be used on pillow, cushion, bolster, or comforter a statement: "For use upon pillows, cushions, bolsters, and comforter" in print, shall appear thereon. **Sec. 59-1814.**



C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful to use on label or tag, terms or other designations which are likely to mislead, or cause inference by purchaser of other than truth; or to use other than standard definition, practice, or terms of classification, where a standard classification exists concerning any commodity. **Sec. 59-1810.**

Unlawful except for a purchaser for his own use, to remove, deface, conceal, change, or alter required tag. **Sec. 59-1809.**

Unlawful to imitate or counterfeit the tag furnished by State. **Sec. 59-1814.**

## VI. EXEMPTIONS

### A. TO MATERIALS OR FINISHED ARTICLES

Excepted from the definition of "waste" are wastes which are by-products of machines at mills using new raw materials, when free from contamination. **Sec. 59-1818.**

### B. TO PERSONS

No provision.

## VII. ADMINISTRATION AND ENFORCEMENT

### A. INSPECTION; INVESTIGATION

State mattress inspector shall be appointed by State Board of Health who shall inspect bedding coming from points without this State and shall enforce this Act. **Sec. 59-1811.**

Manufacturers of and dealers in bedding are subject to supervision and inspection by duly appointed deputy and shall furnish information, invoices, instruments, and/or records deemed necessary to enforcement of this Act and shall admit said deputy to their premises. **Secs. 59-1812, 59-1816.**

State Board of Health may sample or open for inspection at any time or place, bedding that it has reason to believe is in violation of the Act. **Secs. 59-1815, 59-1816.**

### B. LICENSES; FEES; REVOCATION OF LICENSE

Those making or repairing bedding commercially, are required to possess a license at a fee of \$5 yearly. License may be revoked, after 30 days notice, should it be apparent to the inspector that Act is violated or unsanitary conditions exist.

Tags shall be received upon payment of fee of \$15 per 1,000, except that tags for pillows, cushions, bolsters, and comforters shall be \$7.50 per 1,000. Fees so collected shall constitute "bedding and upholstery fund," and are appropriated to State Board of Health for enforcement of this Act. Expenditures shall not exceed fees collected. **Sec. 59-1814.**

## C. SEIZURE; DESTRUCTION

State mattress inspector, with concurrence of State or local health officer may condemn and destroy article of bedding not labeled as provided, or which is, in their judgment, unsanitary. **Sec. 59-1816.**

## D. OTHER ADMINISTRATIVE POWERS

State Board of Health may contract for the printing of tags required by State. State Board of Health charged with duty of administration and enforcement of the Act. **Sec. 59-1814.**

## E. ENFORCEMENT PROCEDURE

Justice of the peace, district courts, county courts, and all other courts having jurisdiction as justice of the peace, shall have concurrent jurisdiction with the circuit courts, of all prosecutions under the Act. **Sec. 59-1817.**

## F. FINE; IMPRISONMENT

Not less than \$25 nor over \$1,000 fine and/or not over 6 months imprisonment. **Sec 59-1813.**

The unit for each separate offense shall be each article covered by this Act. **Sec. 59-1813.**

# PENNSYLVANIA

Purdon's Pennsylvania Statutes, Annotated, 1938 Cumulative Pocket Supplement;  
Title 35, Secs. 972-984

## I. DEFINITIONS

"Department" means the Department of Labor and Industry.

"New" means any article or material which has not been subjected to a previous manufacturing process, or which has not been previously used for any purpose. **Sec. 973 (b).**

"Second-hand" means any article or material, or portion thereof, of which prior use has been made in any manner whatsoever. **Sec. 973 (c).**

"Renovate" means to restore to former condition or to place in a good state of repair. **Sec. 973 (e).**

"Auction" means a public sale of property or effects conducted upon the principle of the highest bidder becoming the purchaser of any particular article or lot offered for sale. **Sec. 973 (f).**

## II. COVERAGE

Mattresses, pillows, bolsters, feather beds, and other filled bedding of any description; also cushions and all types of upholstered furniture which are intended for sale or lease in this State. **Sec. 972.**

## III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

### A. PROHIBITED

When articles covered by the Act are manufactured, it is unlawful to use second-hand material previously used in such articles, unless the article manufactured is to be returned to its original owner. **Sec. 975 (b).**

### B. PERMITTED IF STERILIZED

Unlawful to use second-hand material in the renovation of article covered by the Act, unless, since last used, such second-hand material has been effectively cleansed and sterilized or disinfected by process approved by the Department and if such article is not so cleansed, sterilized, or disinfected, it shall be returned to original owner and shall not thereafter be offered for sale. **Sec. 975 (a).**

## IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

### A. PROHIBITED

No provision.

### B. PERMITTED IF STERILIZED

Unlawful to sell or auction any second-hand articles covered by the Act, except upholstered furniture, unless such article, since last used, has been effectively cleansed and sterilized or disinfected by a process

approved by the Department and in accordance with regulations of the Department. Second-hand upholstered furniture shall be so treated when required by the rules and regulations of the Department.

**Sec. 975 (a).**

## V. TAGS, LABELS, SEALS

### A. GENERAL LABELING REQUIREMENTS

Articles covered by the Act which contain new material shall bear tag containing statement showing the kind of materials used in filling such article, with appropriate percentages, when mixed, and the word "new" clearly printed thereon. When required to be sterilized or disinfected, the number of the permit of the person so sterilizing or disinfecting shall appear. **Sec. 978 (a).**

Articles covered by the Act containing second-hand material, or a portion thereof, shall bear tag showing the kind of materials used in filling, with approximate percentages when mixed, and shall state "Sterilized and disinfected," with the permit number of person performing such. **Sec. 978 (b).**

Terms used on tag to describe filling materials shall be restricted to those defined in the regulations of the Department, and no trade or substitute terms shall be used. **Sec. 978 (c).**

Unlawful to sell articles covered by the Act unless there is an adhesive stamp affixed to the required tag, which adhesive stamp shall be prepared and issued by the Department and contain a replica of the State seal, the registry number of the applicant and such other matter as the Secretary of Labor and Industry shall direct. **Sec. 979 (a) and (c).**

Department may place "off sale" any article or material offered for sale in violation of the Act, and may so tag such article or material. Such tag shall not be removed except by Department, after satisfactory proof of compliance with the Act and of regulations of Department. **Sec. 980 (c).**

### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

The tag which is to appear on articles containing new material shall be a substantial white cloth tag, securely attached to and clearly visible on the article. **Sec. 978 (a).**

The tag which is to appear on articles containing second-hand materials or a portion thereof, shall be a substantial yellow cloth tag, securely attached to and clearly visible on the article. **Sec. 978 (b).**

Statements on the tag shall be indelibly stamped or printed in English language. **Sec. 978 (a) and (b).**

Adhesive stamps prepared and issued by Department shall be affixed to tag before sale, and shall not be placed over any lettering on tag. **Secs. 978 (d), 979 (a).**

Size of tag shall be not less than 6 square inches, and lettering thereon covering the statement of filling materials and whether new or second-hand shall be in plain type not less than 1/8-inch high. **Sec. 978 (e).**

### C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

Terms used on tag to describe filling materials shall be restricted to those defined in the regulations of the department, and no trade or substitute terms shall be used. **Sec. 978 (c).**



D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful to make false or misleading statements on required tag, or remove, deface, or alter said tag or statement contained thereon. The placing of the adhesive stamps over any lettering on the tag shall be construed to be a defacement of same. **Sec. 978 (d).**

VI. EXEMPTIONS

A. TO MATERIALS OR FINISHED ARTICLES

Second-hand upholstered furniture is specifically exempted from sterilization requirements in the Act; though not exempt if Department of Labor and Industry chooses to make the requirements applicable. **Sec. 975 (a).**

Prohibition against use of second-hand materials previously used in articles covered by the Act does not apply to manufacture of article to be returned to original owner. **Sec. 975 (b).**

B. TO PERSONS

See VI A.

VII. ADMINISTRATION AND ENFORCEMENT

A. INSPECTION; INVESTIGATION

Holders of the required sterilizing permits shall keep an accurate record of all articles or material which have been sterilized or disinfected, with date of same, and name and address of buyer of each. Such records shall be available for inspection at any time by the Department. **Sec. 977 (a).**

Application for sterilizing permits which are to be held outside the State shall not be approved until after personal inspection of the sterilizer or disinfector by Secretary of Labor and Industry or his authorized representative. **Sec. 977 (c).**

Places where articles covered by the Act are manufactured, repaired, or renovated or where materials for same are prepared or where said articles are offered for sale or where sterilizing and disinfecting are performed shall be subject to inspection by authorized representatives of the Department to ascertain whether this Act and regulations of Department are complied with. **Sec. 980 (b).**

Department may test samples of materials when requested to do so by reputable person. **Sec. 980 (d).**

Applicant for required adhesive stamps shall be assigned a registration number, which thereafter shall constitute the applicant's identification record. Said identification shall not be used by any other person. **Sec. 979 (d).**

B. LICENSES; FEES; REVOCATION OF LICENSE

Before applying a sterilizing or disinfecting process, as required by the Act, such process shall be registered with and approved by the Department, after which a numbered permit for 1 year shall then be issued. Permit may be annually renewed upon submission of proof of continued compliance with provisions of this Act and regulations of the Department. Permits shall be kept continuously posted on premises of place of business near the sterilizer. **Sec. 977 (a).**

For initial sterilizing permit there shall be paid to the Department a fee of \$25. The charge for an annual renewal is \$1. **Sec. 977 (b).**

Expenses for inspecting the sterilizer or disinfector of applicant for permit in another State shall be paid by applicant. **Sec. 977 (c).**

Sterilizing permit may be revoked by Secretary of the Department upon proof of violation of the Act. A reissue of said permit shall be subject to provisions as set forth for an initial permit. **Secs. 977 (d), 983 (d).**

The required adhesive stamps shall be furnished by Department at a fee of \$10 per 1,000 stamps. **Sec. 981.**

Proceeds from stamp sales and fines and other monies collected under this Act shall be transferred to State Treasury from the Department. **Sec. 981.**

Auctioneers shall be registered in the Department, and shall secure thereupon a certificate authorizing sterilization of articles covered by the Act by an approved process. A fee of \$5, at time of issue, and a fee of \$1 for an annual renewal are charged. **Sec. 980 (e).**

Auctioneer's certificate may be revoked by Secretary of the Department upon proof of violation of the Act. A reissue of said certificate shall be subject to provisions set forth for initial certificate. **Secs. 980 (f), 983 (d).**

#### C. SEIZURE; DESTRUCTION

Department may take samples of materials under authority of this Act; and may hold for evidence at a trial for the violation of the Act, any articles or materials manufactured or offered for sale in violation of same. **Sec. 980 (b).**

#### D. OTHER ADMINISTRATIVE POWERS

Department is charged with enforcement of this Act and it shall make, amend, alter, or repeal general rules and regulations for carrying into effect the Act, and prescribe means, methods, and practices to make effective such provisions. **Sec. 980 (a).**

#### E. ENFORCEMENT PROCEDURE

Prosecutions for violation of the Act or rules and regulations adopted by the Department may be instituted by said Department, and shall be in the form of summary proceedings before an alderman, magistrate or justice of the peace. **Sec. 982.**

#### F. FINE; IMPRISONMENT

Not less than \$50 nor over \$100 for each offense and in default of payment of such fine, not less than 30 days imprisonment, provided, the imprisonment shall not aggregate over 6 months at any one time, for total computed offenses. **Sec. 983 (a).**

Each article covered by the Act manufactured, repaired, or renovated, sold contrary to this Act or rules and regulations established thereunder shall constitute a separate offense. **Sec. 983 (c).**

## RHODE ISLAND

General Laws of Rhode Island, 1938, Chap. 397, Secs. 1-10; as Amended by  
Public Laws, 1939, Chap. 660, Sec. 180

### I. DEFINITIONS

"New" includes byproducts of fibers produced in manufacture of yarn, redeemed new fabrics, and material which have not been used for any purpose. **Sec. 1.**

"Previously used" or "previously been used" or "been used before" when used with respect to material means any material which has been used for purpose for which it was manufactured. **Sec. 1.**

"Article of bedding," see II.

"Article of upholstered furniture," see II.

### II. COVERAGE

1. Articles of bedding, i. e., any mattresses, upholstered springs, pillows, comforters, cushions, muff beds, quilts, or similar articles designed for use of persons when sleeping. **Sec. 1.**

2. Articles of upholstered furniture, i. e., chairs, sofas, and all furniture in which upholstery or so-called filling or stuffing is used, whether attached or not. **Sec. 1.**

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

Unlawful to use in making, remaking, or renovating bedding or upholstered furniture for sale, any material which has been used in or about a hospital or on or about a person having an infectious or contagious disease, or to sell any article containing material so used. **Sec. 3.**

#### B. PERMITTED IF STERILIZED

No provision.

### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

No provision.

### V. TAGS, LABELS, SEALS

#### A. GENERAL LABELING REQUIREMENTS

Bedding and upholstered furniture when made for sale or sold are required to have plainly marked on each article or on tag attached thereto, a statement of kind of material used for filling, name of manufacturer or vendor and, if material has been previously used, the



words "second-hand." If article is enclosed in a bale, box, crate, or other receptacle, such receptacle shall contain on it or on tag attached thereto, a statement that contents are marked as herein required. Renovated or remade mattress shall have tag attached bearing word "remade" and statement of kind of material used in filling. If none of the material shall have been previously used in filling, tag shall in addition bear words "Manufactured of new material." If what is known in the trade as "sweeps" or "sweepings" is used in filling article of bedding, such material shall be marked "Mill sweepings" on any tag required under this section and if material known in the trade as "oily sweeps" are used, tag shall show "oily mill sweepings." **Sec. 2.**

Those engaged in business of selling filling materials shall not ship box, crate, or other package containing such material unless there is attached thereto a tag showing contents of package and name and address of vendor and if material has been used before, the words "Second-hand." **Sec. 4.**

Bedding and upholstered furniture and materials for use therein, which have been previously used by or about a person having infectious or contagious disease or which have been used in or about a hospital, shall be marked by Department of Health with labels bearing the words, "Unclean" in conspicuous letters. **Sec. 5.**

#### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Tags shall be of durable muslin or linen or, in case of upholstered furniture, of paper or cloth permanently pasted or attached to each article and in such form as prescribed by Department of Health. Tags shall be securely sewed at least by one edge to outside seam of ticking or cover of article of bedding before filling material is placed inside. **Sec. 2, and Public Laws, 1939, Chap. 660, Sec. 180.**

#### C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

#### D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

No tag shall bear any misleading term or description. **Sec. 2.**

No person shall sell any second-hand hair, down, feathers, wool, cotton, kapok, or other materials commonly used for filling, representing them to be new material. **Sec. 4.**

Unlawful, except for purchaser at retail, to remove or deface any marking on any article or receptacle, or any tag or label attached thereto. **Sec. 8.**

### VI. EXEMPTIONS

No provision.

### VII. ADMINISTRATION AND ENFORCEMENT

#### A. INSPECTION; INVESTIGATION

Department of Health may cause investigation when it has reason to believe provisions herein being violated and its agents may enter factory, store, or other place at reasonable times. **Sec. 5, and Public Laws, 1939, Chap. 660, Sec. 180.**



## B. LICENSES; FEES; REVOCATION OF LICENSE

No provision.

## C. SEIZURE; DESTRUCTION

Department of Health upon finding material or articles covered by Act which have been used in or about a hospital or on or about a person having infectious or contagious disease, may, without notice, order removal and destruction of such materials or articles or make other order as circumstances require. **Sec. 5.**

## D. OTHER ADMINISTRATIVE POWERS

When Department of Health deems necessary, it may post on building or part thereof which contains or contained articles or materials covered by Act, a notice of warning of the danger of contagion resulting from violation of this chapter, and continue same until property is cleaned and disinfected. **Sec. 6.**

## E. ENFORCEMENT PROCEDURE

No provision.

## F. FINE; IMPRISONMENT

For obstruction of agent of Department of Health: Not over \$50 fine. For subsequent offenses: Not over \$100 fine. **Sec. 5.**

For removal of notice of danger placed by agent of Department of Health, or for removal, except by purchaser at retail, of label required by this Act: Not over \$50 fine. **Secs. 6, 8.**

For violation of Secs. 2, 3, and 4 (labeling and sanitation requirements): Not over \$500 fine and/or not over 6 months imprisonment. **Sec. 9.**

## TENNESSEE

Michie's Tennessee Code of 1938, Annotated; Secs. 6640-6648

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### I. DEFINITIONS

"Mattress," see II.

### II. COVERAGE

Mattresses, including any quilts or pads stuffed with hair, wool, cotton, excelsior, jute, or any other soft material except feathers, to be used in whole or in part in pads for sleeping or reclining purposes. **Sec. 6643.**

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

Unlawful to use in whole or in part, in manufacture of mattresses, cotton, or other material which has been used in or formed part of a mattress, pillow, or bedding used in or about a public or private hospital, or used by a person having an infectious or contagious disease. **Sec. 6640.**

The material in any mattress used in a home, sanitarium, hospital, or other place where there has been a contagious disease shall not be "used in the reconstruction or making of mattresses for the purpose of home, private, or public uses in a like capacity as may be intended in the manufacture of new mattresses." **Sec. 6645.**

The giving away gratuitously or otherwise, in connection with any sale of house furnishings, bedstead, divan, or other article of furniture, of any mattress herein restricted or prohibited for sale shall be unlawful. **Sec. 6647.**

#### B. PERMITTED IF STERILIZED

No provision.

### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

#### A. PROHIBITED

The sale of any mattress used in home, sanitarium, hospital, or other place where there has been contagious disease is expressly prohibited. **Sec. 6645.**

The giving away gratuitously or otherwise, in connection with any sale of house furnishings, bedstead, divan, or other article of furniture, of any mattress herein restricted or prohibited for sale shall be unlawful. **Sec. 6647.**

B. PERMITTED IF STERILIZED

No provision.

V. TAGS, LABELS, SEALS

A. GENERAL LABELING REQUIREMENTS

Unlawful to manufacture for sale or sell a mattress which is not properly branded or labeled. **Sec. 6640.**

Brand or label shall contain a statement of material used in manufacture of such mattress, whether such materials are in whole or in part new or second-hand, and a statement of the quantities and qualities of material used. **Sec. 6641.**

Mattresses that have been used shall be tagged, indicating that they are used or second-hand mattresses. **Sec. 6646.**

B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Label shall be in the shape of a paper or cloth tag, of sufficient dimensions to provide plainly for description of materials used in the mattress. It shall be sewed or otherwise securely attached to each article, and shall also be placed upon the outside of each bale, box, or crate in which mattress is shipped or exposed for sale. **Sec. 6642.**

Statements required on label shall be in plain print and in English language. **Sec. 6641.**

C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful to manufacture for sale or sell mattress which is falsely branded or labeled, or when dealing in mattresses, to possess same without a brand or label, or make any change in the brand or label. **Sec. 6640.**

Unlawful to manufacture mattresses offered for sale as new, when they contain shoddy made from second-hand material, jute, old comforts, quilts, pads, mattresses, or floor sweepings from a cotton mill, compress, or railroad platform. **Sec. 6645.**

VI. EXEMPTIONS

No provision.

VII. ADMINISTRATION AND ENFORCEMENT

A. INSPECTION; INVESTIGATION

Chief of the Division of Factory Inspection has power and duty, when he has reason to believe the Act is violated, to make an impartial investigation. **Sec. 6644.**

## B. LICENSES; FEES; REVOCATION OF LICENSE

No provision.

## C. SEIZURE; DESTRUCTION

Upon violation of the prohibition against sale of mattress used in home, sanitarium, hospital, or other place where there has been a contagious disease, such mattress or material contained therein shall be disposed of as directed by Chief of Division of Factory Inspection. **Sec. 6645.**

## D. OTHER ADMINISTRATIVE POWERS

If upon investigation, the Act is found to have been violated, Chief of Division of Factory Inspection shall enforce the Act in such manner as in his judgment will compel the observation of same. **Sec. 6644.**

## E. ENFORCEMENT PROCEDURE

See VII D.

## F. FINE; IMPRISONMENT

Not less than \$25 nor over \$500 fine and/or 6 months imprisonment. **Sec. 6640.**



## TEXAS

Vernon's Annotated Texas Civil Statutes; Vol. 13, 1939, Pocket Supplement  
Title 71, Art. 4476a, Secs. 1-11

### I. DEFINITIONS

"Department" means the State Board of Health. **Sec. 1 (b).**

"Renovate" means to restore to former condition or to place in a good state of repair. **Sec. 1 (d).**

"Materials" means all articles or portions thereof, used as filling or covering in the manufacture, repair, or renovation of bedding, **Sec. 1 (e).**

"New" means any article or material which has not been previously used for any purpose. **Sec. 1 (f).**

"Second-hand" article means any article or material, or portion thereof, of which former use has been made in any manner whatsoever. **Sec. 1 (g).**

"Bedding," see II.

### II. COVERAGE

Bedding, i. e., mattresses, pillows, bolsters, feather beds and other filled bedding of any description. **Sec. 1 (a).**

### III. RESTRICTIONS ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

Unlawful to manufacture, repair, or renovate into bedding or batting, using discarded materials obtained from dump-grounds, junk yards, or hospitals within or without the State of Texas. **Sec. 3.**

#### B. PERMITTED IF STERILIZED

All second-hand materials, or portions thereof, for resale, shall be subjected to a germicidal treatment currently recommended by the Department. **Sec. 4.**

No person shall be considered qualified to apply an acceptable germicidal process until such process has been registered with and approved by the Department. **Sec. 6 (g).**

### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

No provision.

### V. TAGS, LABELS, SEALS

#### A. GENERAL LABELING REQUIREMENTS

Articles covered by the Act shall bear a tag containing a statement showing whether new or second-hand materials have been used in

filling such articles, and if new materials are used, the type or grade of cotton and all other materials used in filling mattress, with approximate percentages when mixed; what germicidal treatment, if any, has been applied to the materials or to the bedding, the date of such germicidal treatment, the number of the permit of the person manufacturing the article; and the number of the permit of the person applying the germicidal treatment, if any. **Sec. 2 (a).**

Articles covered by the Act containing second-hand material shall bear a tag stating "second-hand material." **Sec. 2 (e).**

Unlawful to manufacture, renovate, or sell articles covered by this Act unless there be affixed to the required tag by manufacturer, renovator, or vendor, an adhesive stamp prepared and issued by the Department. **Sec. 7 (a).**

The State Health Officer may prepare and have printed, adhesive stamps which shall contain a replica of the State seal, the registry number of the person applying therefore, and such other matter as said officer shall direct. **Sec. 7 (c).**

The terms used on the tag to describe materials shall be restricted to those defined in the regulations of the Department, and no trade or substitute terms shall be used. **Sec. 2 (g).**

#### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

The tag shall be a substantial white cloth tag not less than 6 square inches, securely attached to the article. The statements of materials appearing on the tag shall be indelibly stamped or printed with black ink, in English language, in plain type not less than  $\frac{1}{8}$ -inch high. **Sec. 2 (a), (d).**

Registration stamps shall be affixed to the tag, but not placed over any lettering thereon. **Secs. 2 (c), 7 (a).**

Articles covered by the Act manufactured for resale containing second-hand material, shall bear on both sides of the article a substantial white cloth tag securely sewn on all four sides of the tag. Said tag shall be 4 by 8 inches in size and contain the words "second-hand material" indelibly stamped or printed in red ink, in English language, in plain type not less than  $\frac{1}{2}$ -inch high. **Sec. 2 (e).**

#### C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

#### D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful to make any false or misleading statements on the required tag. Unlawful to remove, deface, or alter any tag or statement contained thereon for the purpose of defeating this Act. Placing the required registration stamps over any lettering on the tag shall be construed to be defacement of the tag. **Sec. 2 (c).**

The registration number of the applicant for adhesive stamps shall not be used by any other person. **Sec. 7 (b).**

### VI. EXEMPTIONS

#### A. TO MATERIALS OR FINISHED ARTICLES

This Act shall apply to articles which are manufactured, repaired, renovated, and/or sold after June 30, 1939, but shall not apply to

articles which have been manufactured, repaired, or renovated prior thereto. **Sec. 11.**

#### B. TO PERSONS

No provision.

### VII. ADMINISTRATION AND ENFORCEMENT

#### A. INSPECTION; INVESTIGATION

No person shall be considered to have qualified to apply an acceptable germicidal process until such process has been registered with and approved by the Department. **Sec. 6 (b).**

Holders of permits to apply germicidal treatment shall keep an accurate record of all materials which have been subjected to germicidal treatment, including the source of material, date of treatment, and name and address of the buyer of each, and such records shall be available for inspection at any time by authorized representatives of the Department. **Sec. 6 (b).**

#### B. LICENSES; FEES; REVOCATION OF LICENSES

Unlawful to engage in business of manufacturing, repairing, or renovating any articles covered by Act without obtaining a permit from the Department. **Sec. 6 (a).**

Germicidal processes are required to be registered with and approved by the Department; after which a numbered permit shall be issued by the Department. Such permit shall expire 1 year after date of issue and shall thereafter be annually renewed at the option of the holder upon submission of proof of continued compliance with the Act and the regulations of the Department. Permits shall be conspicuously posted on the premises of place of business near the treatment device. **Sec. 6 (b).**

For initial permits to manufacture, repair, or renovate articles covered by the Act, there shall be paid by the applicant to the Department a fee of \$5, and upon annual renewal, a fee of \$2.50. **Sec. 6 (c).**

For initial permits to apply a germicidal process, there shall be paid by the applicant to the Department a fee of \$25, and upon annual renewal, a fee of \$1. **Sec. 6 (d).**

Any permit issued hereunder may be revoked by the State Health Officer upon proof of violation of this Act. A reissuance of said permit shall be subject to provisions as set forth for an initial permit. **Sec. 6 (e).**

The required adhesive stamps shall be furnished by the Department at the rate of \$5 per 500 such stamps. **Sec. 7 (c).**

Moneys collected under this Act shall be transferred to State Treasury and placed in the General Fund. In the administration of this Act the Regular Departmental Appropriation Bill will be adopted. **Sec. 8.**

"The expenditure of any moneys under this Act shall never exceed the amount of money obtained from the collection of money required by any fee, permit, license, or registration required by the provisions of this Act." **Sec. 8 (c).**

Manufacturer or renovator of articles covered by the Act shall keep his place of business in a sanitary condition satisfactory to the Health Department, and failure to do so shall be sufficient cause to revoke his permit. **Sec. 10.**

## C. SEIZURE; DESTRUCTION

No provision.

## D. OTHER ADMINISTRATIVE POWERS

The State Board of Health is charged with the enforcement of the Act, for the protection of health and to prevent the spread of disease. Board may, and its duty shall be to make, amend, alter, or repeal general rules and regulations of procedure for carrying into effect all the provisions of this Act, and to prescribe means, methods, and practices to make effective such provisions. **Sec. 5.**

The Department shall register all applicants for the required adhesive stamps and assign to each applicant a registration number. **Sec. 7 (b).**

## E. ENFORCEMENT PROCEDURE

No provision.

## F. FINE; IMPRISONMENT

For violation of Act or rules and regulations established thereunder: Not less than \$50 nor over \$100 for each offense. **Sec. 9 (a).**

Each day of violation shall constitute a separate offense. **Sec. 9 (b).**



# UTAH

Revised Statutes of Utah, 1933, Annotated; Title 35, Chap. 7, Secs. 1-7, Chap. 8, Sec. 1, and Title 103, Chap. 1, Sec. 16

## I. DEFINITIONS

"Bedding," see II.

## II. COVERAGE

Bedding, i. e., and mattresses, mattress pads, bed comforters, quilted pads, upholstered springs, or pillows, except where filling thereof consists exclusively of sterilized feathers. **Sec. 35-7-1.**

## III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

### A. PROHIBITED

Unlawful to sell any mattress made of material known as "shoddy" which is made wholly or partly from old or worn clothing, carpets, jute, bags or burlap, or other fabric or material from which shoddy is made. **Sec. 35-7-6.**

### B. PERMITTED IF STERILIZED

No provision.

## IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

### A. PROHIBITED

Unlawful to sell or deliver article of bedding that has been used by or about a person having an infectious or contagious disease. **Sec. 35-7-2.**

### B. PERMITTED IF STERILIZED

No provision.

## V. TAGS, LABELS, SEALS

### A. GENERAL LABELING REQUIREMENTS

Unlawful to sell article of bedding unless upon each article there is sewed a tag or label containing a description of materials used in the manufacture of such article of bedding. If no part of such material has been previously used, words "manufactured of new material" shall appear on label or tag together with name and address of maker or vendor and successive vendors thereof. **Sec. 35-7-3.**

If any material used in making or remaking article of bedding has been previously used, words, "Manufactured of used material" or "Remade of used material," as case may be, shall appear on said tag or label, together with name and address of maker or vendor and successive vendors thereof and a description of materials used as filling of such article of bedding. **Sec. 35-7-3.**

If such article of bedding is enclosed in a bale, box, or crate, the receptacle shall bear a tag stating that contents of same are labeled or tagged as required by the Act. **Sec. 35-7-3.**

#### B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Tag or label shall be securely sewed to article on the outside thereof, made of muslin or linen, not less than 2 by 3 inches in size. The words "Manufactured of new material" or "Remade of used material," together with description of material used as filling, shall be in letters not less than  $\frac{1}{8}$ -inch high. Statements shall be legibly written or printed in English language. **Sec. 35-7-3.**

#### C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

#### D. PROHIBITIONS AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful to use in the description of material used as filling for article of bedding any term or designation likely to mislead. **Sec. 35-7-3.**

Unlawful to remove, deface, or alter any label or tag upon article of bedding tagged under this Act. **Sec. 35-7-4.**

### VI. EXEMPTIONS

#### A. TO MATERIALS OR FINISHED ARTICLES

Bedding filled exclusively with sterilized feathers is specifically excluded from definition of bedding. (See II.) **Sec. 35-7-1.**

#### B. TO PERSONS

The Act is not applicable to cases of renovation of article of bedding by or for the owner thereof, for his own use. **Sec. 35-7-1.**

### VII. ADMINISTRATION AND ENFORCEMENT

#### A. INSPECTION; INVESTIGATION

Every place where bedding is made, remade, or renovated, or where materials thereof are prepared or disinfected, or where such articles or materials are sold or delivered, shall be subject to supervision and inspection by the State Board of Health. **Sec. 35-7-7.**

#### B. LICENSES AND FEES; REVOCATION OF LICENSE

No provision.

C. SEIZURE; DESTRUCTION

No provision.

D. OTHER ADMINISTRATIVE POWERS

No provision.

E. ENFORCEMENT PROCEDURE

State Board of Health shall cause prosecutions to be instituted, in cases of violation of the Act. **Sec. 35-7-7.**

F. FINE; IMPRISONMENT

Not over \$300 fine and/or 6 months imprisonment. In the case of a corporation: Not over \$1,000 fine. **Secs. 35-7-4, 35-8-1, 103-1-16.**

The unit for a separate and distinct offense shall be each article made, remade, sold, or delivered contrary to the provisions of this Act. **Sec. 35-7-5.**

# VERMONT

Laws of Vermont 1935, Public Act No. 188, page 191

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## I. DEFINITIONS

No provision.

## II. COVERAGE

Bedding and upholstered furniture.

## III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

### A. PROHIBITED

Unlawful to manufacture for sale or sell article of bedding or article of upholstered furniture the filling of which has been previously used for like purpose in other bedding or upholstered furniture. **Sec. 1.**

Unlawful to use in the manufacture of an article of bedding or upholstered furniture for purpose of sale, or to sell or have in possession for such use or for use in remaking or renovating any such article, any material which has previously been used in or about a hospital, or on or about a person having an infectious or contagious disease; or to sell any article containing materials which have previously been so used. **Sec. 3.**

### B. PERMITTED IF STERILIZED

No provision.

## IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

No provision.

## V. TAGS, LABELS, SEALS

### A. GENERAL LABELING REQUIREMENTS

Unlawful to manufacture for sale or sell article of bedding or upholstered furniture unless upon each such article there is plainly marked upon a tag attached thereto, a statement of the kind of material used for filling in the manufacture of such article, name of the manufacturer or vendor, and a statement that such article contains all new material, and if article is enclosed in a bale, box, crate, or other receptacle, there shall be plainly marked on such receptacle or on tag attached thereto, a statement that contents of package are marked as herein required. **Sec. 2.**



## B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

The tag shall be sewed on article of bedding or upholstered furniture or otherwise securely attached thereto, and shall be at least 3 by 4 inches in size, made of cloth or with a cloth back, or, in case of upholstered furniture, of paper or cloth, and shall be permanently pasted or attached to each such article of upholstered furniture. Statements on tags shall be plainly marked in English language. **Sec. 2.**

## C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

## D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Statements on tag or article shall not contain any misleading terms or descriptions. **Sec. 2.**

Unlawful, except for a purchaser at retail, to remove or efface marking upon article or receptacle or tag or label attached thereto, as provided herein. **Sec. 5.**

## VI. EXEMPTIONS

No provision.

## VII. ADMINISTRATION AND ENFORCEMENT

## A. INSPECTION; INVESTIGATION

No provision.

## B. LICENSES; FEES; REVOCATION OF LICENSE

No provision.

## C. SEIZURE; DESTRUCTION

No provision.

## D. OTHER ADMINISTRATIVE POWERS

No provision.

## E. ENFORCEMENT PROCEDURE

Possession by a manufacturer of or a dealer in articles covered by the Act of such article the filling of which shall have been previously used for like purpose in other such articles, shall be prima facie evidence that such article is being manufactured, remade, or renovated or offered for sale in violation of this Act. **Sec. 1.**

Possession of article covered by the Act not marked as provided herein, by any person engaged in the business of manufacturing or selling any such article, shall be prima facie evidence that such article is being manufactured or is offered or exposed for sale in violation of this Section. **Sec. 2.**

## F. FINE; IMPRISONMENT

For removing or effacing marking on article or receptacle, or tag, or label attached thereto: Not over \$50 fine. **Sec. 5.**

For violation of other sections: Not over \$500 fine and/or not over 6 months imprisonment. **Sec. 4.**

## WASHINGTON

Remington Revised Statutes of Washington, Annotated; Secs. 6294-1 to 6294-18

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### I. DEFINITIONS

"Mattress," see II.

### II. COVERAGE

Mattresses, i. e., any quilted pads, comforters, mattresses, mattress pads, hammock pads, bunk quilts, settees, couches, day beds, davenport, and overstuffed chairs, cushions or pillows stuffed or filled with wool, hair, cotton, cotton linters, kapok, feathers, or other soft material capable of use for sleeping or reclining purposes. **Sec. 6294-1.**

### III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

#### A. PROHIBITED

No provision.

#### B. PERMITTED IF STERILIZED

Unlawful to use in making, remaking, and/or renovating a mattress, any material that has been used in or has formed part of mattress used in or about a public or private hospital or institution for the treatment of diseases or for or about a person having an infectious or contagious disease; or any material known as "shoddy," or material made in whole or in part from old or worn clothing, carpets, and/or other fabrics or material previously used, or other fabric or material from which shoddy is constructed, or any other material of which prior use has been made, unless all said materials have been thoroughly sterilized and disinfected by process approved by State Director of Health. **Sec. 6294-2.**

Unlawful to sell or deliver any mattress made, remade, and/or renovated in violation of the above provision. **Sec. 6294-3.**

### IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

#### A. PROHIBITED

No provision.

B. PERMITTED IF STERILIZED

Unlawful to sell any mattress of which prior use has been made unless it has been sterilized by process approved by State Director of Health. **Sec. 6294-12.**

Filthy or soiled mattresses are not considered sterilized unless the covering is replaced by clean and new covering and then subjected to sterilization. **Sec. 6294-12.**

V. TAGS, LABELS, SEALS

A. GENERAL LABELING REQUIREMENTS

Unlawful to sell or deliver, make, repair, or renovate a mattress without tag or label bearing a statement of the percentage of kinds of filling material, gross weight of materials including covering, name and address of vendor, and statement that the article is made in conformance with the Act. **Secs. 6294-4, 6294-5.**

Where mattress is made from second-hand materials or shoddy material the label shall contain as a heading "Second-hand Material." **Sec. 6294-9.**

Used, filthy, or soiled mattresses which have been sterilized shall bear a label containing, in addition to the other required matter "Sterilized Material." **Sec. 6294-12.**

Tags to be used upon comforts, bunk quilts, cushions, and pillows, and which are furnished by said Director to applicant shall contain in addition to the other required matter, the words "for use upon comforters, bunk quilts, cushions and pillows." **Sec. 6294-14.**

B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Tags or labels shall be plainly and indelibly stamped, made of muslin or linen, not less than 3 inches square, securely sewed to covering, and in the following form:

Material Used in Filling

Percentage of kinds of material -----

Gross weight of Materials, including covering -- pounds

Vendor -----

Address -----

This article is made in conformance with the requirements  
of Chapter ----- Laws of Washington, 19----

Where second-hand materials or shoddy materials are used, the above form shall contain heading, "Second-hand Materials," in not less than 24-point Gothic type. **Sec. 6294-9.**

C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

When term "felt" is used, it means that materials are in layers as processed by felting machines, and it shall be indicated whether said felt is "felted cotton" or "felted linters." **Sec. 6294-6.**

"Floss" or words of like import shall not be used if there has been used in filling the mattress any materials which are not termed "kapok." **Sec. 6294-7.**

## D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful to remove, alter, or deface tag or label. **Sec. 6294-11.**

Unlawful to use in description, hereinbefore provided for, any misleading term or designation, or one likely to mislead. **Sec. 6294-8.**

## VI. EXEMPTIONS

No provision.

## VII. ADMINISTRATION AND ENFORCEMENT

## A. INSPECTION; INVESTIGATION

State Director of Health shall have access to any premises of or records held by any person, containing any information pertaining to article or material in question. (See also VII D.) **Sec. 6294-17.**

## B. LICENSES; FEES; REVOCATION OF LICENSES

State Director of Health may have the required tags or labels printed and shall furnish, upon application, the tags or labels, for which a payment of \$15 per 1,000 shall be made, except tags to be used upon comforts, bunk quilts, cushions, and pillows, which tags shall be \$7.50 per 1,000. Moneys collected shall be transferred to State Treasurer. **Sec. 6294-14.**

## C. SEIZURE; DESTRUCTION

State Director of Health may condemn, seize, and destroy mattress found to be in violation of this Act or of rule or regulation made thereunder. **Sec. 6294-13.**

## D. OTHER ADMINISTRATIVE POWERS

State Director of Health may prescribe, establish, and enforce rules and standards of grading, mixing, and inspecting materials used, as will in his judgment promote public health and sanitation. **Sec. 6294-10.**

Said Director is empowered to make regulations covering the process or method used in sterilization of used, filthy, or soiled mattresses. **Sec. 6294-12.**

## E. ENFORCEMENT PROCEDURE

No provision.

## F. FINE; IMPRISONMENT

For removal, altering, or defacing tag or label: Not over \$1,000 fine and/or not over 1 year imprisonment. **Sec. 6294-11.**

For violation of other sections: Not over \$250 fine or 90 days imprisonment. **Sec. 6294-16.**

The unit for a separate and distinct offense shall be each mattress made, remade, renovated, sold, or delivered contrary to this Act. **Sec. 6294-15.**



# WISCONSIN

Wisconsin Statutes 1937; Chap. 146, Sec. 146.04

## I. DEFINITIONS

"Mattress," see II.

## II. COVERAGE

1. Mattresses, i. e., quilted stuffed pads, to be used on a bed for sleeping or reclining purposes. **Sec. 146.04 (1).**
2. Anything containing upholstering.

## III. RESTRICTION ON USE OR SALE OF CERTAIN MATERIALS (SECOND-HAND; CONTAMINATED, ETC.) AND USE OR SALE OF FINISHED ARTICLES CONTAINING SUCH MATERIALS

### A. PROHIBITED

Unlawful to manufacture mattress in whole or in part of material which has been used, or has formed part of mattress, pillow, or bedding used in or about a public or private hospital, or on or about a person having a communicable disease. **Sec. 146.04 (1).**

### B. PERMITTED IF STERILIZED

No provision.

## IV. RESTRICTION ON USE OR SALE OF FINISHED ARTICLES PREVIOUSLY USED

No provision.

## V. TAGS, LABELS, SEALS

### A. GENERAL LABELING REQUIREMENTS

Unlawful to manufacture for sale or deliver mattress unless properly branded or labeled. Brand or label shall contain statement of materials used, whether they are wholly or partly new or second-hand, and the qualities thereof. **Sec. 146.04 (1).**

Unlawful to upholster or reupholster any article, or manufacture for sale, sell, or deliver anything containing upholstering without a brand or label containing statement of the kind of materials used in the filling and the covering according to the grades of filling and covering used by the trade, whether in whole or in part new or second-hand, and the qualities. If materials are second-hand, brand or label shall also state whether they are thoroughly cleaned and disinfected. **Sec. 146.04 (2).**

## B. FORM, SIZE, COLOR, AND MANNER OF ATTACHING

Brand or label shall be in form of a paper or cloth tag securely attached, bearing plain print in English language. **Sec. 146.04 (1), (2).**

## C. TERMS NOT TO BE USED EXCEPT WITH MEANING SPECIFIED IN LAW

No provision.

## D. PROHIBITION AGAINST MISLEADING LABELS AND AGAINST TAMPERING

Unlawful for dealer in mattresses to remove, conceal, or deface brand or label. **Sec. 146.04 (1), (2).**

Unlawful to possess with intent to sell, or deliver, anything containing upholstering without a brand or label, or remove, conceal, or deface the brand or label. **Sec. 146.04 (2).**

## VI. EXEMPTIONS

No provision.

## VII. ADMINISTRATION AND ENFORCEMENT

## A. INSPECTION; INVESTIGATION

No provision.

## B. LICENSES; FEES; REVOCATION OF LICENSE

No provision.

## C. SEIZURE; DESTRUCTION

No provision.

## D. OTHER ADMINISTRATIVE POWERS

No provision.

## E. ENFORCEMENT PROCEDURE

If the Industrial Commission believes the Act has been violated, shall advise Attorney General, giving grounds for its belief; and Attorney General, or under his direction, the District Attorney, shall institute proceedings for enforcement and punishment. **Sec. 146.04 (3).**

## F. FINE; IMPRISONMENT

Not less than \$25 nor over \$500 fine and/or not over 6 months imprisonment. **Sec. 146.04 (1), (2).**

## II. Court Cases on Bedding and Upholstery

### A. INTRODUCTORY NOTE

Half of the court cases which are summarized in the following pages were concerned with the question of constitutionality of statutory prohibitions against use of second-hand material in manufacturing bedding. These cases establish the general proposition that such a prohibition is unconstitutional.

The Illinois Supreme Court in *People v. Weiner* made such a decision in 1915, and the United States Supreme Court in *Weaver v. Palmer Bros.* made a similar decision in 1926. Some other cases, in which the facts were slightly different from those in the preceding two cases were similarly decided. Thus, the above-mentioned *Weaver* case was cited as controlling by a Federal district court in New York in 1938, in *Lisichin v. Andrews* when the court declared that it was unconstitutional to prohibit the "use of second-hand materials in articles of metal bedding \* \* \* despite sterilization and tagging." The Alabama Supreme Court as far back as 1886, declared, in *Town of Greensboro v. Ehrenreich*, that an ordinance which prohibited dealing in second-hand bedding unless the bedding had not been imported and had not been used by persons having infectious disease, was unconstitutional. In *Weisenberger v. the State* the Indiana Supreme Court in 1931 upheld the constitutionality of a statutory prohibition against use of shoddy in bedding, but this was done only after the court had construed the prohibition to refer to such shoddy as is unsanitary or dangerous to health.

In the cases which were not concerned with the issue of constitutionality, a variety of issues were involved. Thus, in *Commonwealth v. National Mattress Co.* in 1930, it was held by the Supreme Court of Massachusetts that the remnants resulting from clothing manufacturers' cutting out patterns from cloth, and which remnants are used in shredded form in the manufacture of bedding, constitute "previously used" material, within the meaning of a statute requiring that previously used material be indicated by the word "second-hand" on the bedding label; and the specific inclusion of such remnants in the definition of "second-hand" was regarded as proper in *People v. Dushkin*. The latter case also held that an ordinance prohibiting the use of unsterilized second-hand materials in the manufacture of mattresses could properly be applied to all mattresses manufactured within the city, whether they were to be sold within the city or outside the city. A New Hampshire case of 1912, *Creir v. Town of Fitzwilliam*, held that in the absence of a statute making the town liable for property destroyed by health officers, the owner of bedding destroyed by said officers could not recover from the town. That the power of the New York State Labor Department to inspect bedding did not include the power to inspect it while it was on a parked truck was held by the New York Court of Appeals in 1938, in *People on Information of Deutsch v. Fanti*. In *People v. Reisner* in 1936 it was held proper by



the New York Supreme Court, for the State Industrial Commissioner to get some New York City policemen assigned to help him enforce the bedding law. Finally, the New York Supreme Court held in *Jaroniec v. Hasselbarth* in 1928, that a purchaser of a mattress alleged to contain sharp metallic points which produced laceration and infection in the purchaser's body, had no right of action against the manufacturer for negligence, the purchaser having bought from an intervening dealer.

## B. FEDERAL COURT CASES

### 1. U. S. Supreme Court

*Weaver v. Palmer Bros. Co.*

270 U. S. 402, 46 S. Ct. 320 (1936)

Palmer Bros. Co., a bedding manufacturing company, brought suit to enjoin the enforcement against it of the Pennsylvania bedding law of 1923. This law, while permitting the use of second-hand materials if sterilized, prohibited absolutely the use of "shoddy" which was defined as "any material which has been spun into yarn, knit or woven into fabric, and subsequently cut up, torn up, broken up, or ground up." The denial of a temporary injunction was affirmed by the United States Supreme Court. Later, a trial was held and the Federal District Court decided that the statute violated the company's constitutional rights because of the provision prohibiting the use of shoddy. The District Court decree restraining enforcement of this provision was affirmed by a six to three decision of the United States Supreme Court.

The majority opinion, delivered by Mr. Justice Butler, first reviewed some of the facts about the company's business. It was observed that in 1923, the company's business in Pennsylvania exceeded \$558,000 of which more than \$188,000 was for comfortables filled with shoddy; that the company made approximately 3,000,000 comfortables annually, of which about 750,000 were filled with shoddy; that new material from which the company made shoddy consisted of clippings and pieces of new cloth obtained from the cutting tables in garment factories, while other shoddy was made of second-hand garments, rags, and the like.

The majority opinion then pointed out that—

the record shows that for the sterilization of second-hand materials from which it makes shoddy, appellee uses effective steam sterilizers. There is no controversy between the parties as to whether shoddy may be rendered harmless by disinfection or sterilization. While it is sometimes made from filthy rags and from other materials that have been exposed to infection, it stands undisputed that all dangers to health may be eliminated by appropriate treatment at low cost \* \* \*.

The Court then observed that the evidence in the record, from public health experts and others,

tends strongly to show that in the absence of sterilization or disinfection there would be little, if any, danger to the health of the users of comfortables filled with shoddy, new or second-hand, and confirms the conclusion that all danger from the use of shoddy may be eliminated by sterilization \* \* \*.



Furthermore, observed the majority opinion,

the fact that the act permits the use of numerous materials, prescribing sterilization if they are second-hand, also serves to show that the prohibition of the use of shoddy, new or old, even when sterilized, is unreasonable and arbitrary.

Neither could the prohibition be sustained, the Court believed, as a measure to prevent deception, since the provisions in the law aimed at preventing deception as to non-shoddy-filled bedding (namely, inspection and labeling requirements) represented a type of provision which might also be enacted for preventing deception as to shoddy-filled bedding.

The business here involved is legitimate and useful; and while it is subject to all reasonable regulation, the absolute prohibition of the use of shoddy in the manufacture of comfortables is purely arbitrary and violates the due-process clause of the Fourteenth Amendment.

A dissenting opinion by Mr. Justice Holmes, concurred in by Mr. Justice Brandeis and Mr. Justice Stone, declared that—

if the Legislature of Pennsylvania was of opinion that disease is likely to be spread by the use of unsterilized shoddy in comfortables, I do not suppose that this court would pronounce the opinion so manifestly absurd that it could not be acted upon. If we should not, then I think that we ought to assume the opinion to be right for the purpose of testing the law. The Legislature may have been of opinion further that the actual practice of filling comfortables with unsterilized shoddy gathered from filthy floors was widespread, and this again we must assume to be true. It is admitted to be impossible to distinguish the innocent from the infected product in any practicable way, when it is made up into the comfortables. On these premises, if the Legislature regarded the danger as very great and inspection and tagging as inadequate remedies, it seems to me that in order to prevent the spread of disease, it constitutionally could forbid any use of shoddy for bedding and upholstery \* \* \*.

It is said that there was unjustifiable discrimination. A classification is not to be pronounced arbitrary because it goes on practical grounds and attacks only those objects that exhibit or foster an evil on a large scale. It is not required to be mathematically precise and to embrace every case that theoretically is capable of doing the same harm \* \* \*.

## 2. U. S. DISTRICT COURT

*Lisichin v. Andrews*

23 F. Supp. 657 (District Court, S. D. New York 1938)

26 F. Supp. 882 (District Court, S. D. New York 1938)

The plaintiffs were manufacturers of metal beds, metal bed springs, metal couches, and metal cots, out of second-hand materials, using new materials only for repairs and refinishing. The plaintiffs applied for an interlocutory injunction, in a suit to restrain the defendant, Industrial Commissioner of New York, from enforcing against them the 1937 amendment to the New York bedding law, which amendment the plaintiffs claimed to be unconstitutional. This amendment prohibited the use of second-hand material as defined in the statute, or of any material which had been exposed to infectious or contagious disease or was unclean or unsanitary—in making for sale any article of bedding or upholstered furniture, or in the preparation of any material used or commonly used for filling such articles of bedding or furniture.

The plaintiffs' pleading alleged, and the defendant's pleading denied, that the second-hand materials used by plaintiffs were sterilized by a modern scientific process, approved by defendant, and that they were sanitary and in no way detrimental to health. It was further alleged

and denied that the materials prohibited by the statute could be made sanitary by sterilization and "absolutely safe for use in the manufacture of metal beds, bed springs, metal folding beds, metal couches, and metal cots."

Since an interlocutory injunction could not be granted except on the basis of uncontradicted facts in the plaintiffs' pleading, sufficient to constitute grounds for restraining enforcement of the disputed statutory provision, and since the vital allegations in plaintiffs' pleading were denied by defendant, the District Court concluded that the injunction should not be issued.

The material allegations upon which the application for an interlocutory injunction is based being all denied by the answer, there is nothing now before us to justify the issuance of any injunction \* \* \*. [W]hether this statute violates the due-process clause and denies the plaintiffs equal protection depends upon facts which are now controverted and have in no way been proved \* \* \*.

It is true that the statute does permit the sale of second-hand bedding as such and the remaking or renovation of it by or for the owner when that is done for the owner's use and not for sale. Yet this does not afford such inherent evidence of unreasonable classification that the statute is *prima facie* invalid. Assuming, as we must, that the legislature was attempting to remedy a real evil, it could do so in a really practical way by including in its regulation that part reasonably considered important and without covering what was of relatively slight consequence \* \* \*. Legislative action based upon classifications dictated by such considerations is not on its face unreasonable or arbitrary \* \* \*.

After the above denial of a temporary injunction, the case came on for final hearing on the merits and was sent to a special master, who took testimony, made findings, and reported that in his opinion the act as applied to the plaintiffs violated the due-process clause of the Fourteenth Amendment. The United States District Court, in adopting the findings and conclusions of the special master's report and overruling the exceptions filed thereto, observed:

The special master took the view that the facts bring the case within *Weaver v. Palmer Bros. Co.*, 270 U. S. 402, 46 S. Ct. 320, 70 L. Ed. 654. We are of the same opinion. The Supreme Court there held that a statute which forbade the use of shoddy in bedding violated the due-process clause of the Fourteenth Amendment. The evidence showed that sterilization of shoddy eliminated any danger to public health from the use of shoddy, and it was held that the banning of shoddy could not be sustained as a health measure. And since the act provided for the tagging of articles containing other second-hand materials, it was held that the same regulation might be applied effectively to shoddy-filled articles and that the prohibition against use of shoddy could not be supported as a measure to prevent deception. In the present case the evidence that there is no danger to public health in the use of sterilized second-hand materials in metal bedding is fully as strong; indeed there seems to be no difference of opinion on the point. There is no chance that thorough sterilization will be skipped, because the effort to make the articles look like new, which is the prime essential in the business, will not be successful without it. On the record in this case, the legislature could not reasonably say that there was danger to public health from the use of sterilized second-hand material in metal beds, metal springs, and the other articles of metal bedding. The situation as to possibility of deception and prevention by tagging is practically the same as in the *Weaver* case. There being no proof of deception having actually been practiced in the sale of metal bedding which is second-hand and made to look like new and the tagging requirements being fairly adapted to forestall deception, it is going too far to prohibit a useful and lawful business on the vague chance that deception might possibly be practiced. We think that the special master was correct in saying: "Here the business is useful. It provides cheap articles of metal bedding for the poorer class of the public. The articles can be seen by the purchaser for what they are; there is nothing concealed from view, as in the case of upholstery or mattresses. Except for visible differences in style, and except for the possibility of some weakening of the springs, the articles are substantially as good as new articles of the same character. They involve no appreciable danger to health. The sole injury to the purchaser through



deception would therefore be that the purchaser would pay for a useful article more than he reasonably should pay. There might also be injury to manufacturers of new articles through competition with second-hand articles represented to be new. Complete prohibition of the business for the purpose of preventing these possible results is in my opinion arbitrary and violative of the due-process clause.

The defendant offered in evidence letters, memoranda, and a presentment submitted to the legislature and Governor when the 1937 act was under consideration. These papers show that the problem presented was the problem of stuffed articles of bedding such as pillows, mattresses, and comfortables. From these papers the legislature evidently concluded that the manufacture of such articles out of second-hand materials brought abuses which were not cured by regulation and could be met only by absolute prohibition of second-hand materials. But the documents contain scarcely a mention of metal bedding. They by no means show the prevalence of abuses in the manufacture of metal bedding or any failure of existing regulation of such manufacture. There is an obvious difference between stuffed articles of bedding and articles of metal bedding in the sanitary aspect and also as to ease of deception and the case before us has to do only with metal bedding.

There is no body of legislative opinion in support of the statute under consideration. Thirty-six States have laws regulating manufacture and sale of bedding, but, in only two, New York and Connecticut, do the regulations apply to articles of metal bedding. The Connecticut act applies to no metal bedding except springs, and it allows the sale of springs made of used materials, subject to sterilization and tagging.

We are of opinion that section 389a of the General Business Law, to the extent that it prohibits the use of second-hand materials in articles of metal bedding as manufactured by the plaintiffs, despite sterilization and tagging, violates the due process provision of the Fourteenth Amendment and is invalid \* \* \*.

## C. STATE COURT CASES

### 1. ALABAMA

#### *Town of Greensboro v. Ehrenreich*

80 Alabama 579 (1886)

An ordinance of the town of Greensboro, Ala., declared: "It shall be unlawful for any person to import, sell, or otherwise deal in cast-off garments, blankets, bedding, or bed clothes in said town of Greensboro: *Provided that*, This ordinance shall not apply to the sale of said articles not imported, and that have not been used by persons having infectious diseases." Defendant's conviction for violating the ordinance was reversed by the Circuit Court, on the ground of unconstitutionality of the ordinance and this view was affirmed by the Supreme Court of Alabama.

"It will not be controverted," said the Court,

that second-hand or cast-off garments, blankets, bedding and bed clothes are not, *per se*, introductive of infectious or contagious diseases; and that a lawful business selling or dealing in them, may be carried on without danger to the public health. They become dangerous by reason of the nature of previous use, condition, or exposure. This is virtually admitted by the *proviso* to the ordinance, which excepts from its operation the sale of the specified articles not imported, and that have not been used by a person having an infectious disease. The operation of the ordinance reaches beyond the scope of necessary protection and prevention into the domain of restraint of lawful trade, by permanently prohibiting the importation, selling, or otherwise dealing in the enumerated articles, though they may not have been used by persons or in districts, infected with such diseases. Municipal authorities, having power to abate nuisances, cannot absolutely prohibit a lawful business not necessarily a nuisance, but may abate it when so carried on as to constitute a nuisance \* \* \*. That the ordinance is founded on the fear and apprehension of possible danger, and not on its existence, is shown

by the unequal discrimination between articles imported and not imported. We cannot regard it a legitimate exercise of the power conferred by the act of incorporation \* \* \*.

## 2. ILLINOIS

*People v. Weiner*

271 Ill. 74, 110 N. E. 870 (1915)

The Illinois bedding law of 1915 provided, in addition to certain tagging requirements, that no second-hand materials be used in mattresses, quilts, and comforters. There was no such restriction in the case of mattresses, quilts, and comforters renovated for one's own use, provided the materials used and the cover were sterilized and certain tagging requirements were followed.

The defendant was a dealer in new and second-hand furniture, who sold a felt mattress, the felt of which had been previously used, and with no tag as required by the statute. In the Municipal Court of Chicago, the defendant was found guilty of violating the bedding law and fined \$25. Challenging the constitutionality of the law, the defendant brought the case to the Supreme Court of Illinois by writ of error.

The Court reversed the conviction, declaring that the law contained unconstitutional provisions. "The evidence shows conclusively," said the Court, that—

the business of making mattresses out of second-hand material and remaking old mattresses and bed clothes is not injurious *per se* to the public health. Indeed, the legislature recognizes this in the act itself, for it permits the remaking or renovating of any mattress, quilt, or bed comforter for one's own use, provided the materials used shall have been first sterilized. This right, however, is denied to the manufacturer and dealer when the article of bedding is for sale. Obviously if by any process a renovated mattress can be rendered safe for the use of the person remaking it, it can also be made safe for sale \* \* \*. The evidence shows that second-hand bedding does not necessarily convey infectious or contagious diseases and that a lawful business of selling or dealing in such may be carried on without danger to the public health \* \* \*. It is eminently proper to require that material be free from germs of contagion and infection before being used in mattresses, comforters, or quilts, whether the material be second-hand or new, but the possible danger to health or safety does not justify the absolute prohibition of a useful industry or practice where the danger can be dealt with by regulation \* \* \*. The act does not attempt to prohibit the use of second-hand mattresses but does prevent their ever again being used in the manufacture of other mattresses which are to be sold. To prohibit absolutely the use of such material in the manufacture of mattresses for sale when not inherently dangerous and when it may be rendered safe by reasonable regulation is an invasion of personal and property rights within the meaning of the Federal and State constitutions. By this act the State has deprived the citizen of the lawful use of his property in a manner not injurious or dangerous to others \* \* \*.

The argument of counsel for the State that this act should be upheld in order to prevent fraud or deceit in the sale of goods is without merit \* \* \*. Regulations to prevent fraud and deceit \* \* \* could be very readily provided, so as to protect the public, without prohibiting the use of second-hand material if properly renovated and sterilized \* \* \*.

Further, said the Court, there is discrimination

between the manufacturers and dealers in pillows and manufacturers and dealers in mattresses, comforters and quilts, especially after they have been used, as there is no provision made as to pillows; \* \* \* so far as this act is concerned, material made second-hand in the same way as the material in mattresses may again be made into pillows and sold without any regulation whatever. Under the decisions of this State, this is class legislation \* \* \*.



## 3. INDIANA

*Weisenberger v. State of Indiana*

202 Ind. 424, 175 N. E. 238 (1931)

The defendant was employed by the superintendent of the Indiana Girls' School to remake certain hair mattresses used by officers of that institution, and to renovate cotton mattresses used by the girls. The mattresses had been in use from 2 to 4 years. The worst of the materials used were removed; the cotton used was run through a machine. The hair mattresses contained various kinds of animal hair, concerning which there was no evidence as to whether they were new or old when used in the original manufacture. Defendant obtained materials for remaking and renovation, from the city hospital and other sources but there was no evidence that any such material used in the work done for Girls' School had been used by any sick patient or been subjected to hospital use, nor was there any evidence from which a jury would be justified in finding (in the opinion of the Supreme Court of Indiana) that the shoddy used was unsanitary or unhealthy.

The Indiana Bedding law of 1917 prohibited the use of shoddy in the making, remaking, or renovating of mattresses, or the sale of any mattress so made, remade, or renovated.

Defendant was convicted in Criminal Court of violating the bedding law through the use of shoddy. He appealed, claiming the law violated the personal-liberty and equal-privilege clauses of the Indiana Constitution. The Supreme Court of Indiana reversed the conviction, not on the ground of unconstitutionality of the statute, but because the language of the indictment brought against the defendant failed to allege facts showing the evil at which the legislation was aimed. The Court upheld the constitutionality of the law only after construing the prohibition against use of shoddy to refer to such shoddy as is unsanitary or dangerous to health.

The statute was—

an affirmative act of the State to restrain a lawful business from the exercise of abuses which would endanger health and public welfare. The statute thus construed falls short of being arbitrary or of unnecessarily invading property rights, or unreasonably restraining a lawful business. It being a reasonable exercise by the State of her police power, and applying alike to all similarly situated, neither of the constitutional provisions relied on by appellant is violated \* \* \*.

However, the indictment against the defendant simply charged him with manufacturing and selling mattresses made from shoddy; that is, the indictment followed the language of the prohibition in the statute. But this statutory prohibition, said the Court,

we have construed to be a prohibition on the use of the materials therein specifically mentioned when they are shown to be insanitary, or, by allegations of fact, it appears that when they are transformed into "shoddy" and used in mattresses, will endanger health \* \* \*.

The "evident object" of the statutory prohibition

was the preservation of health by prohibiting use of things likely to disseminate disease and nothing more. The police power does not extend to prevent arbitrarily the making of "shoddy" out of thoroughly sterilized and cleansed materials, even though the same should be old and second-hand \* \* \*. Hence we hold that although \* \* \* the indictment, in charging the offense, followed the wording of [the statute] it is nevertheless bad for failure to allege facts showing the evil the Legislature sought to suppress \* \* \*.

## 4. MASSACHUSETTS

*Commonwealth v. National Mattress Co.*

270 Mass. 238, 170 N. E. 63 (1930)

The Massachusetts bedding law of 1928 provided, among other things, that bedding be tagged with a statement of the materials used; that the words "second-hand" should appear if the material had been previously used; and that if all material were new, the words "manufactured of new material" should appear. The word "new" was defined in the law as "any material which has not been used as a part or portion of another manufactured article or used for any other purpose"; and the words "previously used," "previously been used," and "been used before" when used with respect to the material in question were defined as "used as a part or portion of another manufactured article or used for any other purpose."

The defendant corporation was convicted in Superior Court for violating the bedding law because it sold mattresses labeled "manufactured of new material," which had been filled with materials containing "garnetted clippings." (These clippings are made by shredding the "clips" or remnants which result from clothing manufacturers' cutting out patterns from bolts or rolls of cloth.)

The defendant corporation filed exceptions to its conviction, arguing that the clippings should not be regarded as "previously used" within the meaning of the statute. The Supreme Judicial Court of Massachusetts, in overruling the exceptions, observed:

The apparent purpose of the part of the statute upon which the complaint is based was to regulate the manufacture and sale of the articles coming within its scope so that a purchaser might be informed when buying such article whether it had been filled with new material or used material. The "clips" had been a portion of a bolt or roll of cloth and this cloth had been put to the use for which it was made by being cut into patterns for articles of clothing. The "clips" had so far been changed by this process that they could no longer be employed for the purpose for which the cloth was manufactured. After their usefulness for clothing had ceased, their character as cloth was changed by being put through the mill and shredded so that they might be used for a purpose to which they were not adaptable as cloth. In our opinion the judge was justified in reaching the conclusion that the material constituting the filling of the mattress had been previously used for another purpose within the meaning of the statute and in finding the defendant guilty.

## 5. MICHIGAN

*People v. Dushkin*

276 Mich. 643, 268 N. W. 765 (1936)

A Detroit ordinance regulated the manufacture of mattresses within the city limits, requiring among other things, that second-hand material used must be sterilized, and that the mattresses when sold within the city must be labeled in accordance with the ordinance. The term "second-hand" was defined as follows: "(1) Any material which has been used in the manufacture of another article or used for any other purpose; (2) Any material made into thread, yarn, fabric, matting padding, or scraps of the same, and subsequently torn, shredded, picked apart, or otherwise disintegrated."

The defendant was a Detroit manufacturer who sold his mattresses both within and without the city. He was convicted of violating



the mattress ordinance on two grounds: (1) That a mattress found in his factory had been manufactured from second-hand materials that were unsterilized; and (2) that a mattress which he had sold within the city contained second-hand materials that were unsterilized.

The defendant contended that the ordinance could not properly be applied to mattresses found in the factory but not actually sold in the city, because sales outside the city were not its proper concern; and that the mattress which he had admittedly sold within the city did not contain second-hand material.

The Supreme Court of Michigan affirmed the conviction.

It was observed by the Court:

There was testimony that the first mattress was filled with jute, produced from burlap bagging and apparently used several times; that the other mattress was filled with "shoddy" which might be old or new, but which was apparently old. On the other hand there was evidence that the filling of the second mattress was known as "smak," and consisted of the waste of clippings from bolts of cloth in the cutting out and manufacturing of clothing and which was shredded by a process which also sterilizes it.

The Court then pointed out that, as far as the first mattress was concerned, it was no defense to say that it might be sold outside the city and was therefore no concern of the city. "The place of sale of the mattress," said the Court—

has no connection with danger to the workmen manufacturing them, nor does it prevent a workman carrying infection contracted in the factory to the public. Consequently it is not an unreasonable exercise of the granted or police powers of the city to require sterilization of all goods manufactured. Moreover, such requirement is not unreasonable because of the inability of the officers to trace individual sales.

The Court also decided that the definition of "second-hand" in the ordinance was—

not objectionable, even though there may be instances of harmless and substantially new material coming within its scope. The council has the power to adopt a reasonable classification which would obviate the necessity of tracing materials to their source, and to define as second-hand a class which might be and frequently is second-hand. Moreover, shoddy or smak, being a species of waste, may be thrown about on the floor or otherwise and become a source of infection. The definition is not unreasonable.

## 6. NEW HAMPSHIRE

*Creier v. Town of Fitzwilliam*

76 N. H. 382, 83 Atl. 128 (1912)

A boarder at the plaintiff's home was taken sick with smallpox. Subsequently a health officer of the town destroyed the bedding used by the patient and the plaintiff sued the town to recover for the value of the bedding destroyed. From a decision against the plaintiff, an exception was taken, but the Supreme Court of New Hampshire overruled the exception.

The Court said that—

when the officer destroyed the infected bedding, he was not acting as the agent of the town, but as a public officer under legislative authority for the benefit and protection of the public. He was as much a public officer as highway surveyors, police officers, and firemen, \* \* \* for whose act while in the discharge of a public or governmental duty, even if wrongful, the town is not responsible, in the absence of a statute making it responsible therefor \* \* \*. As no statute has been found making towns liable for property destroyed by health officers, the plaintiff cannot recover for this item of his specification.

## 7. NEW YORK

a. *People, on Information of Deutsch v. Fanti*

299 N. Y. S. 534, 252 App. Div. 509 (1937)

Affirmed 277 N. Y. 615, 14 N. E. 189 (1938)

The defendant was in control of his employer's motor truck, on which was loaded a quantity of mattresses and pillows. While the truck was parked on a New York street, an inspector of the State Labor Department demanded that he be permitted to inspect the bedding in the truck. The defendant, who refused permission, was convicted in the Court of Special Sessions, New York County, of violating the New York bedding law through obstructing and hindering inspection.

On appeal to the New York Supreme Court, the conviction was reversed. In the majority opinion, representing the views of three of the five justices, it was observed that—

both the places where inspection may take place and the purposes for which it may be conducted are carefully prescribed by the statute. The places are those where bedding is "made, remade, or renovated, or materials therefor are prepared or sterilized, or where such articles or materials are sold." The matters concerning which inspection is authorized are the "manufacture and sale or delivery" of articles of bedding. The statute contains no authority to inspect articles of bedding except at the places and for the purposes enumerated. If, as the People now contend, articles of bedding are subject to minute inspection at any place whatever for any of the purposes set forth in the statute, then there was no reason to prescribe with such particularity the place where an inspection might be made. The limitation was no doubt imposed because it was considered inexpedient or oppressive to permit such an inspection on public highways or in private homes. It follows that the defendant's refusal to submit to an inspection on a public thoroughfare did not constitute a violation of the statute.

A dissenting opinion, representing the views of two justices, pointed out that the

authority granted by the statute to inspect *delivery* of goods covered by the article connotes a broader meaning than indicated in the prevailing opinion. To limit that authority to places where the goods are manufactured or sold eliminates from supervision many steps ordinarily included in deliveries as customarily made. Possession of the goods on a truck apparently in the course of delivery justifies the making of an inspection. The conviction should be affirmed.

On appeal to the New York Court of Appeals, the judgment reversing the conviction was affirmed by five of the six justices. No opinion was written.

The dissenting justice was of the opinion that to "construe the statute thus narrowly is unnecessarily to limit the reasonable enforcement of a provision of the criminal law enacted for the public welfare."

b. *Jaroniec v. C. O. Hasselbarth, Inc.*

228 N. Y. S. 302, 223 App. Div. 182 (1928)

A complaint was filed, in Special Term Court, Albany County, alleging that the defendant was a mattress manufacturer and that the "plaintiff purchased a mattress made by the defendant and bearing the mark or stamp of the defendant and used said mattress for its proper purpose, that is to lie on; \* \* \* that said mattress \* \* \* was improperly and negligently made in that it contained sharp points of metal, such as are used on the carding machines which pick the



filling for such mattress. \* \* \* That because of such negligence and carelessness of the defendant, its servants, or agents, the plaintiff sustained injuries in the nature of lacerations and cuts, together with infection"; that because of such injuries, plaintiff was damaged, for which she demands judgment against defendant. The defendant made a motion to dismiss the complaint on the ground that it failed to state facts sufficient to constitute a cause of action.

From the denial of the motion, appeal was taken to the New York Supreme Court, which reversed the judgment below and held the complaint should be dismissed. In arriving at this conclusion the Court first observed that the complaint did not allege that the plaintiff had bought the mattress directly from the manufacturer. Hence, the plaintiff could not charge a violation of contractual obligation. Nor was there any allegation that the manufacturer had wilfully and fraudulently concealed dangerous defects.

The charge upon which liability is alleged to rest is not contract or fraud but negligence alone \* \* \*. If the mattress was not purchased directly from the defendant, but from an intervening dealer, there is a general rule of law established in this State, that a manufacturer is liable for negligence only to those in privity of contract. Exceptions to this general rule have been recognized under certain specific sets of facts.

In these exceptional cases, the Court said, quoting a previous case, the article was

of such a character inherently that when applied to the purpose for which it was designed, it was liable to become a source of great danger to many people, if not carefully and properly constructed.

The facts disclosed in the present complaint, observed the Court, do not bring the case within such exceptions to the general rule \* \* \*. A mattress is in no sense a thing inherently or imminently dangerous. "The nature of the thing" is not such as to be reasonably certain to imperil life or limb when negligently made. Its nature suggests no warning. Unless it contains something foreign to its use or to its nature, its use threatens no danger to anyone. There is no danger at all in the mattress itself, nothing about it which would convey "Knowledge of a danger, not merely possible but probable." In itself it is as free from any possible danger as a suit of clothes, although that might contain a piece of a broken needle, which would pierce the skin and make a port of entry for infection. These considerations lead us to conclude that the complaint does not state facts sufficient to constitute a cause of action \* \* \*.

Two of the five justices dissented in part. They agreed "with the conclusion that the complaint does not state facts sufficient to constitute a cause of action, because it fails to allege that the mattress when purchased was in the same dangerous condition as when it left the factory," and they thought the complaint "should have contained the allegation that the injury to plaintiff was caused solely through the negligence of the defendant in manufacturing and selling for general use a product containing potential elements of harm to the user."

The two dissenting justices disagreed "with the conclusion, implied by a dismissal of the complaint, that no cause of action can be stated." They favored giving 20 days leave to the plaintiff to file a revised complaint. They felt that the case was similar to some of the cases cited by the majority of the court as representing exceptions to the general rule against a manufacturer's liability for negligence, to purchasers from a third party. In this case, as in those cases, said the dissenting justices, there "was a duty on the part of the defendant to use care in the manufacture of an article which in

its nature might be reasonably certain to put the user in peril of injury when negligently made."

*c. People v. Reisner*

295 N. Y. S. 813, 162 Misc. 470 (1936)

The State Industrial Commissioner, having difficulty in apprehending violators of the New York bedding law, obtained the consent of the New York City police department to have policemen assigned to assist the Commissioner. One of the policemen so assigned charged the defendant with violating paragraph (h) of Rule 1 of the Rules of the Division of Bedding of the Department of Labor, formulated pursuant to the bedding law. Paragraph (h) specifically prohibited the use of a sterilizing chamber for storage purposes; and the defendant was charged with storing three old mattresses in the sterilizing chamber of his establishment.

The defendant contended, in City Magistrates' Court of New York City, that the court had no jurisdiction and that the police officer had no authority to make arrests for enforcement of the bedding law. The Court cited statutory authority for its jurisdiction, and for authority of policemen to make arrests for enforcement of laws and ordinances in force in the city. In fact even "an ordinary citizen," observed the Court, "has the power of making an arrest where there has been committed in his presence, a crime, which of course includes a misdemeanor." Finally, the evidence was convincing, said the Court, that "defendant did use the sterilizing chamber in his bedding establishment for storage purposes and thereby violated" the bedding law.

# III. Chart Comparison of State Sanitation and Labeling Requirements for New Bedding and Upholstery

*Sanitation and labeling requirements for new bedding and upholstery*

	Alabama	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Georgia	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan	Minnesota	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New York	North Carolina	Ohio	Oregon	Pennsylvania	Rhode Island	Tennessee	Texas	Utah	Vermont	Washington	Wisconsin		
I. COVERAGE																																							
A. Bedding:																																							
1. Mattresses	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		
2. Comforts or quilts	x	x	x	x	x	x	x	x	x	x	x	x	(1)	x	x	x	x	x	x	x	(2)	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		
3. Pads or quilted pads	x	x	x	x	x	x	x	x	x	x	x	x	(1)	x	x	x	x	x	x	x	(2)	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		
4. Pillows	x	x	x	x	x	x	x	x	x	(3)	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		
5. Cushions	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		
6. Upholstered springs or box springs	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		
7. Miscellaneous other articles named	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		
8. Articles (unnamed) which may be used for sleeping or reclining purposes			x	(3)	(5)		x				x				x	(7)		x					(7)			(7)				x	(7)								
B. Upholstery:																																							
1. Upholstered furniture (in general)																																							
2. Miscellaneous articles named			(9)		x			x								x					(11)				(12)	x				x	x	x			x	(10)	(13)		
C. Articles filled exclusively with sterilized feathers are specifically excluded																																							
	x							x	x	x		x						(14)			x				(15)			(15)					(15)		x				
II. RESTRICTION ON USE OR SALE OF MATERIALS																																							
A. Second-hand material:																																							
1. Prohibited	x		(16)							x	x			x	x	x	x	x	x		(17)	x			(18)	x					(19)				x				
2. Permitted if sterilized			(16)									x	x		x	x	x	x	x		(17)	x			(18)	x										x			
B. Contaminated material:																																							
1. Prohibited			(16)							x	x	x			x	x	x	x	x						(18)	x										x			
2. Permitted if sterilized		x	(16)										x													(18)	x										x		

See footnotes at end of table.













## Sanitation and labeling requirements for new bedding and upholstery—Continued

[illegible]







## IV. Summary of Chart on Sanitation and Labeling Requirements for New Bedding and Upholstery

Thirty-seven States including the District of Columbia have laws regulating the manufacture and sale of new bedding, or new bedding and upholstery.

Thirty-six of these laws apply in terms to mattresses; 30 to comforters, quilts or quilted pads; 28 to cushions or pillows; and 11 to upholstered furniture in general, with some other laws applying only to specified types of furniture, such as "upholstered springs," "lounges," and "sofas." In addition, the laws of a few States apply to articles of bedding in general, or to articles "similar" to those specifically mentioned in the laws.

Sanitation requirements regarding the use of materials in the manufacturing of bedding are of more than one kind. There are prohibitions to be found in 13 States against the use of second-hand or shoddy material, while the laws of 21 States specifically permit the use of such material if it has been sterilized. Similarly, in 17 States with bedding laws, the use of contaminated material is specifically prohibited, while in 8 States the use of such material when sterilized is permitted. There are qualifications in 4 States prohibiting certain uses or prohibiting certain kinds of contaminated or second-hand material and permitting others.

The many variations in labeling requirements constitute the most striking differences in these laws. Thirty-three States have laws requiring a statement as to whether the materials used are new or second-hand. In 13 States it is provided that the label must indicate whether material required to be sterilized, has been sterilized; but, depending on the State involved, the date of sterilization or the number of the sterilizing permit, or both may also have to be indicated. In California this information would have to appear on a separate sterilization label.

Thirty-two States have requirements, variously worded, that the label give a "description," or the "names," or the "kind," or the "contents" of the materials used; some require only the name of the materials used in the filling. A few States have more specific requirements relating to this type of labeling information. Alabama, Ohio, Tennessee, and Wisconsin, for instance, have laws requiring that a statement regarding "quality" of the materials be given. California, Oregon, Texas, and Wisconsin have laws providing that the "grade" of filling materials be specified.

Information regarding the quantity of material used, as distinguished from the preceding disclosure of quality is also required to be indicated in some States. California, Ohio, Oregon, and Tennessee laws provide that the quantity or amount of each material appear on the label, and 9 States have laws requiring a statement of the "proportion" or "percentage" of materials. The size of the article must be specified in California and Oregon; and these States, in addition to Alabama, Indiana, Michigan, and Washington, have laws which require that the total weight of the article be given.

Identification of the manufacturer or vendor is required in 7 States, the address as well as the name of the manufacturer or vendor is to



be specified in 9 other States, name and address of only the manufacturer in 5 States, name and address of only the vendor in 1 State, and the manufacturer or vendor and successive vendors in 3 States.

The registry number of the manufacturer is an additional identifying mark required in 10 States, either appearing on an adhesive stamp attached to the label, as in the case of 4 States, or otherwise appearing on the label.

The date of delivery from retailer to customer must be given on the label in Connecticut and New York; the Massachusetts' law requires that the date of delivery within the State by a nonresident be specified.

In 9 States the label must show that the article complies with the State law. In California, Connecticut, New York, and North Carolina the label must be approved by a State administrative body. In the District of Columbia, Pennsylvania, and Texas labeling information is to appear in such manner as is administratively prescribed. On the labels in Delaware, Maryland, and New Jersey no information may appear other than that specified in the law.

In addition to the differences among the States as to what shall appear on the label, there are a large number of variations in the specific matters of form, size, and colors of labels. There are 10 different minimum sizes of labels prescribed in the various laws: 4 by 8 inches, 4 by 5 inches,  $4\frac{1}{2}$  by 3 inches, 4 by 3 inches, 3 by 3 inches,  $3\frac{1}{2}$  by  $2\frac{1}{2}$  inches, 3 by  $2\frac{1}{2}$  inches, 3 by 2 inches, 3 by  $1\frac{1}{2}$  inches, and 6 square inches. The most common minimum size prescribed is 3 by 2 inches, which occurs in 8 States laws, there being 22 States which have laws providing for labels of not less than a specified minimum size.

A specific sample form of the required label is given in the laws of 9 States.

The color of the label is to be white in Texas; it is to be white in California, New York, North Carolina, and Pennsylvania only if the material used is all new. If the material is second-hand, the label must be red in California, but yellow in New York, North Carolina, Oregon, and Pennsylvania. A yellow (separate) label in California signifies that the material has been sterilized.

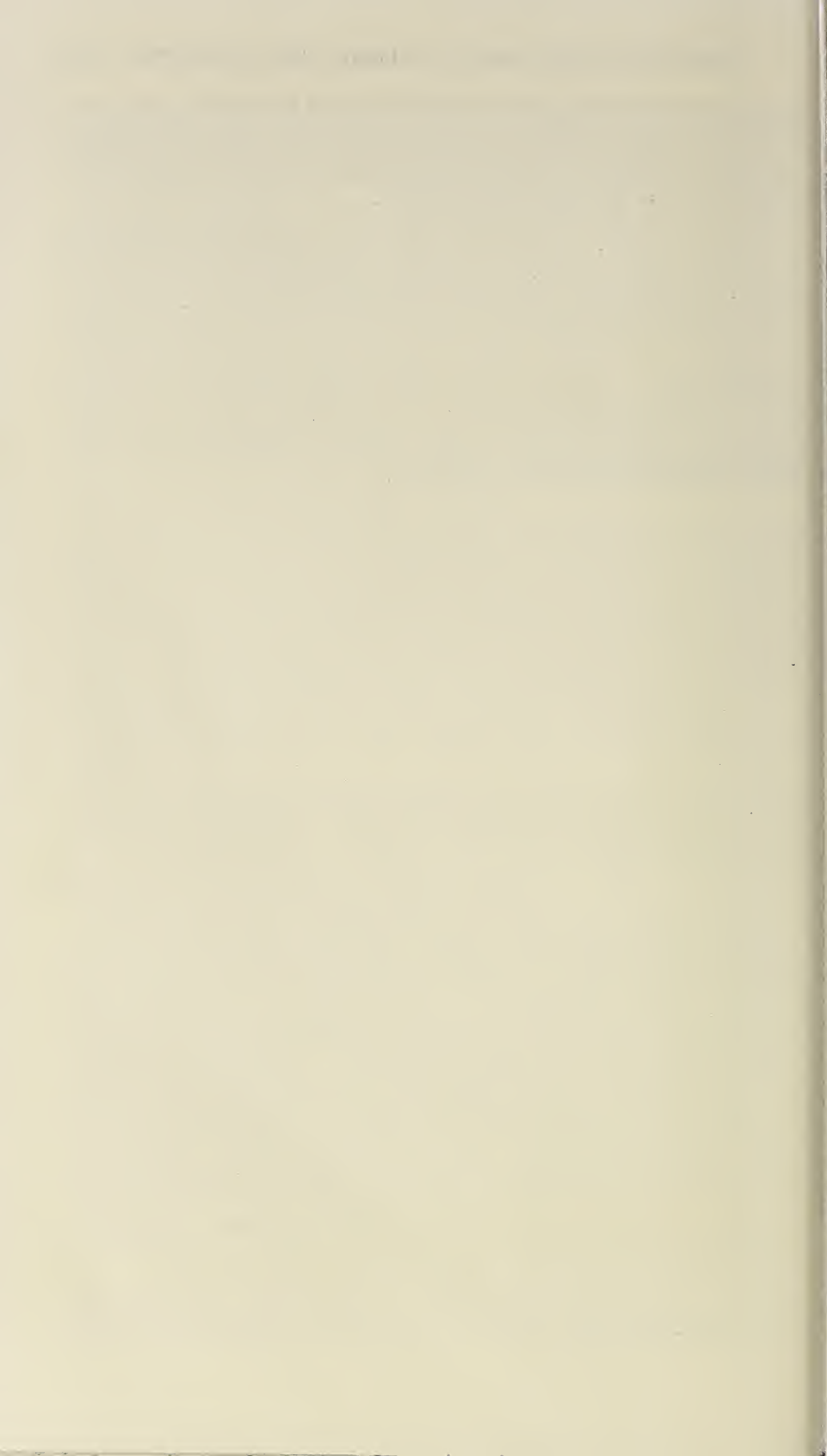
There is generally a requirement in the State laws that the label be made of some durable material. The laws of 8 States specify "cloth," in 13 States a choice is permitted between a "cloth" label and some other kind, usually a "cloth lined" or "cloth backed" label. "Muslin or linen" labels are required in the laws of 15 States, in 7 of which the choice of some other material, usually paper in the case of upholstered furniture, is permitted. The use of a paper tag is permitted in Kentucky, Ohio, Tennessee, and Wisconsin, and is permitted on upholstered furniture in Massachusetts, Rhode Island, and Vermont. A few State laws require the labels to be "cloth lined," "cloth backed," "permanent," or of "durable material," or not paper-faced. New Hampshire and New Jersey laws permit stamping or printing on the article itself in lieu of a separate label.

The most common provision regarding the lettering on the label is the provision in 16 States that the letters be not less than  $\frac{1}{8}$ -inch high. In 5 of these States, this applies to all statements on the label, but in the remaining 11 States it applies only to certain statements concerning the filling material, such as statements indicating that the material is new or second-hand. Headings are to be in 24-point type in Cali-



fornia; and the same is true in Washington in cases where the phrase "second-hand material" is required on the label. The minimum size of letters in phrases indicating the presence of second-hand or shoddy material is  $\frac{1}{4}$ -inch in Oregon,  $\frac{1}{2}$ -inch in Texas; 20-point type in Kentucky and 24-point type in Washington.

The laws of most of the States contain prohibitions against deception in labeling. Twenty-nine States have enacted laws prohibiting misleading labels. The laws of 32 States prohibit the tampering with labels. In addition to the foregoing general prohibitions against misleading labels and tampering, a provision that the term "felt" is not to be used unless the material has been processed by a felting machine is common to 13 States, and in 5 States other terms such as "hair," "curled hair," "silk," and "floss" may be used only if their meaning is that as specified in the statute. New York laws permit no variance when such terms as "all," "pure," "100%," et cetera, are used, while the Connecticut law permits commercially accepted tolerances when these terms are employed on the label.



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